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ABSTRACT

The Desegregation Studies Staff of N.I.E. compiled this list of current State and Federal judicial and administrative activities to enforce school desegregation. This list includes all active cases. Most voluntary actions to desegregate are not included, nor are successful efforts by HEW or State governments to negotiate local desegregation plans. Many southern states are under court order to desegregate as a result of actions brought by the Department of Justice from 1965-68. For the most part, only those cases the Justice Department now considers active are included here, as well as cases brought by private plaintiffs that have been brought to the Desegregation Studies Staff's attention. This list draws upon numerous published sources and information supplied by the Department of Justice, the U.S. Commission on Civil Rights, the HEW Office for Civil Rights, the Center for Civil Rights/Notre Dame Law School, the Center for National Policy Review/Catholic University Law School, and individuals within and outside the State and Federal governments who offered information and advice. To help locate decisions, some legal citations are provided. Instead of adhering to standard citation style, only place names are underlined. Cases are listed alphabetically by state and within each state by location. For additional citations to Federal cases, references are provided. (Author/AH)

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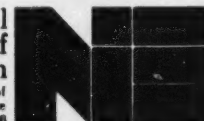
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SCHOOL DESEGREGATION:

A REPORT OF STATE AND FEDERAL JUDICIAL AND ADMINISTRATIVE ACTIVITY



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As of September 1977

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FOREWORD

The Desegregation Studies Staff has compiled this list of current judicial and administrative activities by the states and Federal Government to enforce school desegregation, in the hope that it will develop into a useful tool for people in many different fields of work related to school desegregation.

This list attempts to include all active cases. Most voluntary actions to desegregate are not included, nor are successful efforts by HEW or state governments to negotiate local desegregation plans. Many southern states are under court order, due to actions brought by the Department of Justice from 1965-68. For the most part, only those cases the Justice Department now considers active are included, as well as cases brought by private plaintiffs that have been brought to our attention.

This compilation draws upon numerous published sources and information supplied by the Department of Justice, the U.S. Commission on Civil Rights, the HEW Office for Civil Rights, the Center for Civil Rights/Notre Dame Law School, the Center for National Policy Review/Catholic University Law School, and individuals within and outside the state and Federal governments who have generously offered information and advice. The Desegregation Studies Staff invites corrections, additions, and suggestions throughout the year, so that updates can be issued as necessary.

To help locate decisions, some legal citations are provided. Instead of adhering to standard citation style, only place names have been underlined. Cases are listed alphabetically by state and within each state by location. For additional citations to Federal cases, readers are referred to Desegregation in Education: A Directory of Reported Federal Decisions, Center for Civil Rights/Notre Dame Law School. Limited supplies are available from Desegregation Studies Staff, NIE.

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ALABAMA

U.S. v. Anniston (Calhoun County) Board of Education. The Justice Department got an existing plan modified in 1975, desegregating one elementary school that was 90% black.

Brown v. Board of Education of Bessemer, 419 F. 2d 1211 (5th Cir. 1969) reversed in part, 396 U.S. 290 (1970). This NAACP Legal Defense Fund case, in which the U.S. intervened, has returned to court many times, in an attempt to desegregate Bessemer, Birmingham, and Jefferson County Schools. Later decision: 464 F. 2d 75 (5th Cir. 1972).

Armstrong and U.S. v. Board of Education of Birmingham, a case brought by the NAACP Legal Defense Fund, 333 F. 2d 47 (5th Cir. 1964). A plan ordered June 19, 1970, was most recently modified July 27, 1976, to pair, cluster and provide magnet and alternative schools. The court also established a Bi-Racial Advisory Committee to monitor compliance.

Franklin v. Barbour County Board of Education, 259 F. Supp. 545 (M. D. Ala. 1966).

Harris v. Bullock County Board of Education, 253 F. Supp. 276 (M. D. Ala. 1966).

U.S. v. Choctaw County Board of Education, in court frequently, from 259 F. Supp. 408 (S. D. Ala. 1966) to 339 F. Supp. 901 (S. D. Ala. 1971).

Harris and U.S. v. Crenshaw County Board of Education, 259 F. Supp. 167 (M. D. Ala. 1966), 292 F. Supp. 701 (S. D. Ala. 1968), 417 F. 2d 838 (5th Cir. 1969).

U.S. v. De'han (Houston County) Board of Education, M. D. Ala. The Justice Department has recently been back to court to get a revised plan.

U.S. v. Escambia County. The Justice Department obtained a modification of a plan in 1975, desegregating one all black school.

Boykins and U.S. v. Fairfield Board of Education, part of NAACP Legal Defense Fund lengthy Jefferson County litigation, 457 F. 2d 1091 (5th Cir. 1972), on remand after Swann held that there was no right to maintain all-black schools. Most recently, 492 F. 2d 697 (5th Cir. 1974) denied relief on a student discipline complaint. Cert. denied 420 U.S. 962 (1975).

U.S. and Miller v. Board of Education of Gadsden (Etowah County), 482 F. 2d 1234 (5th Cir. 1973).

U.S. v. Hale County Board of Education, 445 F. 2d 1330 (5th Cir. 1971). A new plan is expected soon.

U.S. and Hereford v. Board of Education of Huntsville (Madison County) 448 F. 2d 784 (5th Cir. 1971), 504 F. 2d 857 (5th Cir. 1974).

U.S. and Stout v. Jefferson County Board of Education, 372 F. 2d 386 (5th Cir. 1966), affirmed on rehearing en banc, 380 F. 2d 385 (5th Cir. 1967), cert. denied 389 U.S. 840 (1967), 448 F. 2d 403 (5th Cir. 1971), 466 F. 2d 1213 (5th Cir. 1972), cert. denied 410 U.S. 928 (1973), 411 U.S. 930 (1973), originally an NAACP Legal Defense Fund case in which the U.S. intervened. A plan was modified in 1975, desegregating one all-black secondary school. The Justice Department has appealed for failure of the court to desegregate another black school. This case has been in court repeatedly since 1965.

Huston v. Lawrence County Board of Education, 320 F. Supp. 790 (N. D. Ala. 1970).

U.S. v. Lowndes County Board of Education, C. A. No., 2328-N. M. D. Ala. 1969.

U.S. and Lee v. Macon County Board of Education, 267 F. Supp. 458 (M. D. Ala. 1967), affirmed, 389 U.S. 215 (1967). 498 F. 2d 1090 (5th Cir. 1974). An NAACP Legal Defense Fund case in which the U.S. intervened, with more than two dozen decisions, covering many issues. Latest decision June 19, 1975.

U.S. and Bennett v. Madison County Board of Education, 219 F. Supp. 60 (N. D. Ala. 1963), 326 F. 2d 237 (5th Cir. 1964), 437 F. 2d 554 (5th Cir. 1970).

Davis v. Board of School Commissioners of Mobile County, a ninth appeal to the circuit court, 430 F. 2d 883, 889 (5th Cir. 1970), 402 U.S. 33 (1971), NAACP Legal Defense Fund case, in court dozens of times. Motion for further relief pending.

Carr and U.S. v. Montgomery County Board of Education, a case brought by the NAACP-LDF in which the U.S. intervened, 395 U.S. 225 (1969). Like the Singleton case, this one set standards for integrating faculty, as part of achieving a non-discriminatory school system. The school board adopted a plan satisfactory to HEW, not to plaintiffs, and this was held to be adequate. 377 F. Supp. 1123 (M. D. Ala. 1974), affirmed, 511 F. 2d 1374 (5th Cir. 1975), rehearing denied 511 F. 2d 1390 (5th Cir. 1975), cert. denied, 423 U.S. 986 (1975). A biracial committee was appointed by the court to monitor the maintenance of a desegregated system. Some predominantly black schools were permitted to remain, as the court determined that further balance would entail excessive transportation, and because the segregation was due to residential patterns, not school board actions.

Lee v. Troy Board of Education, 432 F. 2d 819 (5th Cir. 1970).

U.S. v. Tuscaloosa Board of Education.

Alabama NAACP v. Wallace, 269 F. Supp. 346 (M. D. Ala. 1967) upheld HEW guidelines, striking down an Alabama anti-guideline statute.

Alabama v. U.S., 314 F. Supp. 1319 (S. D. Ala. 1970).

ALASKA

The Office for Civil Rights, Department of Health, Education, and Welfare (hereafter OCR/HEW) sent the following districts notice of intention to initiate formal enforcement proceedings with regard to bilingual programs:

Alaska Dept. of Education	Juneau	March 7, 1977
Alaska Gateway Schools	Tok	March 7, 1977
Aleutian Chain Schools	Cold Bay	March 7, 1977
Annette Islands Schools	Metlakla	May 19, 1977
Bering Straits Schools	Nome	March 7, 1977
Chatham Schools	Angoon	May 19, 1977
Chugach Schools	Whittier	May 19, 1977
Cooper River Schools	Glennallen	March 7, 1977
Delta/Greely Schools	Delta Junction	March 7, 1977
Iditarod Area Schools	McGrath	March 7, 1977
Kuspuk Schools	Aniak	March 7, 1977
Lake & Peninsula Schools	Naknek	March 7, 1977
Lower Kuskokwin Schools	Bethel	March 7, 1977
Lower Yukon Schools	Mountain Village	March 7, 1977
Northwest Artic Schools	Kotzebue	March 7, 1977
Pribilof Schools	St. Paul	March 7, 1977
Southeast Islands	Ketchikan	April 29, 1977
Southwest Region Schools	Dillingham	March 7, 1977
Upper Railbelt Schools	Clear	March 7, 1977
Yukon Flats Schools	Fort Yukon	March 7, 1977
Yukon Koyukuk Schools	Nenana	March 7, 1977

ARIZONA

Tempe—HEW/OCR action pending since 1971. No longer pending, August, 1977.

Phoenix—action pending in federal court.

Tucson—action pending in federal court. HEW action pending since 1968. No longer pending, August, 1977.

Mexican-Americans for Equal Educational Opportunity and Mendoza v. Tucson Board of Education, Civ. No. 74-204, attorneys Bolding, Barber, Oseran and Zavala, 402 Tuluca Bldg., LaPlacita, P.O. Box 70, Tucson, Ariz. 85702.

U.S. v. Pima Community College, a Civil Rights Act Title VII case brought by the Justice Department, charging employment discrimination, dismissed by district court, on appeal to 9th Circuit Court of Appeals.

Winslow—HEW action pending since 1969.

ARKANSAS

Kelley v. Altheimer Public School District No. 22, 378 F. 2d 483 (8th Cir. 1967), 297 F. Supp. 753 (E. D. Ark. 1969).

U.S. v. State of Arkansas, C. A. No. LR 72-C-29C, E. D. Ark., brought by the Department of Justice December 27, 1972.

U.S. v. Bradley No. 20, C. A. No. T-70-C-21 W. D. Ark., brought by the Department of Justice July 9, 1970.

U.S. v. Bright Star School District No. 6, C. A. No. T-69-C-24 W. D. Ark.

Cross County School District No. 7 Cherry Valley, Notice of intention to initiate formal enforcement proceedings from HEW/OCR, August 25, 1976. No action pending, August, 1977.

Cato v. Parham, 293 F. Supp. 1375 (E. D. Ark. 1968) 403 F. 2d 12 (8th Cir. 1968), 316 F. Supp. 678 (E. D. Ark. 1970), a case begun in 1959 to desegregate Dollarway schools, returning to court more than ten times.

Kemp v. Beasley, 389 F. 2d 178 (8th Cir. 1968), 423 F. 2d 851 (8th Cir. 1970). An NAACP Legal Defense Fund case to desegregate El Dorado schools.

Fordyce Public Schools, HEW/OCR notice of intention to initiate formal enforcement proceedings, April 17, 1973.

Foreman Public Schools, HEW/OCR notice of intention to initiate formal enforcement proceedings, August 25, 1976.

Rogers v. Paul, 232 F. Supp. 833 (W. D. Ark.), affirmed, 345 F. 2d 117 (8th Cir. 1965), reversed, 382 U.S. 198 (1965), an NAACP Legal Defense Fund case to desegregate Fort Smith schools.

Raney v. Board of Education of Gould, 381 F. 2d 252 (8th Cir. 1967), reversed and remanded, 391 U.S. 443 (1968), an NAACP Legal Defense Fund case.

Hughes School District No. 27, HEW/OCR decision of noncompliance with Civil Rights Act, Title VI, issued by Reviewing Authority, July 30, 1976; review by Secretary requested, August 19, 1976 (Title I funds not deferred).

Yarbrough v. Hulbert-West Memphis School District No. 4, 457 F. 2d 333 (8th Cir. 1972), NAACP Legal Defense Fund case.

Jonesboro School District No 1, Notice of intention to initiate formal enforcement proceedings from HEW/OCR, May 3, 1976. No action pending, August, 1977.

Clark v. Board of Education of Little Rock School District, 426 F. 2d 1035 (8th Cir. 1970), held plan unsatisfactory. Cert. denied 402 U.S. 952 (1971). 328 F. Supp. 1205 (E. D. Ark. 1971), 465 F. 2d 1044 (8th Cir. 1972) plan still only partially integrates grades one to three. Cert. denied 314 U.S. 923 (1973). New court order 1975.

Marion School District No. 3, HEW/OCR decision of noncompliance with Civil Rights Act, Title VI, issued by Reviewing Authority, January 19, 1976. Remanded May 5, 1977.

Smith v. Board of Education of Morrilton School District No. 32, 365 F. 2d 770 (8th Cir. 1966). NAACP Legal Defense Fund case concerning the dismissal of black teachers without regard to merit, on closing of black school as part of a desegregation plan.

Graves v. Board of Education of North Little Rock School District, 302 F. Supp. 136 (E. D. Ark. 1969), 328 F. Supp. 1197 (E. D. Ark. 1971), modified 449 F. 2d 560 (8th Cir. 1971). Also Davis v. Board of Education of North Little Rock School District, 362 F. Supp. 730 (E. D. Ark. 1973).

Willingham v. Pine Bluff School District No. 3, 425 F. 2d 121 (8th Cir. 1970), NAACP Legal Defense Fund case.

Haney v. County Board of Education of Sevier County, 284 F. Supp. 916 (W. D. Ark. 1968), 410 F. 2d 920 (8th Cir. 1969) remanded to district court, 429 F. 2d 364 (8th Cir. 1970).

Sparkman Public Schools, HEW/OCR decision of noncompliance with Civil Rights Act, Title VI, issued by Reviewing Authority, October 7, 1976. Review by Secretary requested, October 22, 1976.

CALIFORNIA

Bakersfield City Elementary. HEW/OCR action pending since 1968, hearing conducted April 13, 1977.

Berkeley—HEW action begun 1970, plan accepted 1973.

Delano Joint Union Elementary and High School Districts—HEW/OCR action pending since 1970, plan or compliance achieved, 1976.

Desert Sands Unified School District, HEW/OCR action pending since 1974. No longer pending, August, 1977.

Fresno Unified School District, HEW/OCR action pending since 1968, notice of intention to initiate formal enforcement proceedings, August 2, 1975. In addition, a Civil Rights Act, Title VII case was brought by the Justice Department charging employment discrimination; dismissed by district judge; now on appeal to 9th Circuit Court of Appeals.

Inglewood. State court litigation. This suburb of Los Angeles desegregated in 1970, and reseggregated, due to migration.

Crawford v. Board of Education of Los Angeles, ___ Cal. App. 3d ___, 120 Cal. Repr. 334 (1975), vacated, 17 Cal. 3d 280 (1976). In a state-court case begun in 1963, the California Supreme Court affirmed the trial court's finding that Los Angeles schools must be desegregated right away. The California Supreme Court does not distinguish de facto and de jure segregation, and takes the position that segregation regardless of cause violates the California constitution. A school board may not impose a neighborhood school assignment policy that is neutral on its face upon privately or publicly-caused residential segregation. (In fact in this case the trial court found that the school board has intentionally and deliberately caused segregation, but this proof is not necessary in California.) If the school board does not devise a "reasonably feasible" plan right away, the court may formulate and supervise a plan. Although racial percentages may be employed in determining if a school is actually segregated, and in devising a plan, should the school board find them desirable, fixed racial and ethnic percentages in each school are not constitutionally required. July 6, 1977, the judge rejected the school board's very partial desegregation plan and ordered a plan in 90 days, to be implemented by February, 1978.

Spangler v. Pasadena City Board of Education, 311 F. Supp. 501 (C. D. Cal. 1970), 375 F. Supp. 1304 (C. D. Cal. 1974) denied relief, affirmed, 519 F. 2d 430 (9th Cir. 1975), vacated and remanded, 427 U.S. 424 (1976). In a case originally brought by high school students and their parents, with the help of the American Civil Liberties Union of Southern California, in which the Justice Department soon intervened, the federal district court in 1970 found Pasadena's schools unconstitutionally segregated. The school system was ordered to submit a plan to correct racial imbalance at all levels, including hiring, promotion and assignment of faculty and staff, student assignments, construction and location of schools. The school system was ordered to correct all this by September, 1970. The court approved the Pasadena plan March 10, 1970. In January, 1974, the school board applied to the court to modify the order, on grounds that the plan was fully implemented so the court would no longer have jurisdiction over the case. (Plaintiffs claim racial balance had been achieved in student assignments for one year, and other violations had not been remedied.) The Board argued that imbalance after the first year was caused by white flight and therefore not the responsibility of the school system. The district court and appeals court refused to end the court's jurisdiction, stating that attendance areas could be adjusted each year to maintain balance. The Supreme Court, however, in an opinion by Justice Rehnquist, stated that if the school district had in fact complied with the 1970 order, the district court may not retain jurisdiction indefinitely to undo racial imbalance not caused by school authorities. This is in accord with Swann. Defendants' motion to dismiss is pending

in district court, and the Justice Department is conducting discovery. District courts decide facts and the court may still determine that Pasadena did not comply with the 1970 order. State court decision, *Jackson v. Pasadena*, 59 Cal. 2d 876 (1963) included dictum that segregation must be eliminated regardless of cause. This is now established law in California state courts. See Los Angeles case, above.

Brice v. Landis, 314 F. Supp. 974 (N. D. Cal. 1969), a case to desegregate Pittsburg Schools.

Pomona—HEW action pending since 1970. No longer pending, August, 1977.

Soria v. Oxnard School District Board of Trustees, 328 F. Supp. 155 (C. D. Cal. 1971), 467 F. 2d 59 (9th Cir. 1972), vacated and remanded, 488 F. 2d 579 (9th Cir. 1973), cert. denied, 416 U.S. 951 (1974), 386 F. Supp. 539 (C. D. Cal. 1974).

Richmond—Federal and state litigation pending. HEW action pending since 1973, held ineligible for ESAA. No action pending, August, 1977.

Joyce Beaudreau v. Weinberger. Riverside. C. A. No. 74-1474-IH C. D. Cal. filed April 19, 1974.

Sacramento—federal litigation pending.

NAACP v. San Bernardino USD, 119 Cal. Rept. 784 (1975) vacated, 71 Cal. 3d 311 (1976).

Carlin v. Board of Education of San Diego, Cal. Super. ___, March 9, 1977, Superior Court, found system segregated. A plan was ordered to be formulated by June 13, 1977, part to be effective 1977-78, the rest according to target dates.

Johnson v. San Francisco Unified School District, 339 F. Supp. 1315 (N. D. Cal. 1971), stay denied, 404 U.S. 1215 (1971), reversed and remanded, 500 F. 2d 349 (9th Cir. 1974). In state court: *Johns v. Unified School District*, 3 Cal. 3d 937 (1971).

Ybarra v. San Jose, 503 F. 2d 1041 (9th Cir. 1974), federal district court ruled segregation de facto, and plaintiffs are contemplating appeal.

Santa Barbara School District v. Superior Court, 13 Cal. 3d 315 (1975), invalidated an anti-busing statute (Ed. Code 1009.6) but allowed repeal of the Bagley Act (requiring racial and ethnic balance) by passage of proposition 21, Nov. 7, 1972.

Sequoia Union High School District: OCR/HEW action pending since 1968. No longer pending, August, 1977.

Stockton Unified School District: State court litigation pending.

Sweetwater Union High: OCR/HEW action pending since 1974, found in noncompliance with Civil Rights Act, Title VI, 1976. No action pending, August, 1977.

Watsonville: OCR/HEW action pending since 1973. No action pending, August, 1977.

COLORADO

Colorado Springs: OCR/HEW action pending since 1970. In 1970 complied with Title VI.

Keyes v. School District No. 1, Denver, 413 U.S. 189 (1973), on remand 368 F. Supp. 207 (D. Colo. 1973), 380 F. Supp. 673 (D. Colo. 1974) affirmed in part, reversed in part and remanded, 521 F. 2d 465 (10th Cir. 1975), cert. denied 96 S. Ct. 806 (1976). In this most important northern school case the Supreme Court ruled that once the plaintiffs have proven that the school officials deliberately caused segregation in a substantial portion of the district, the court will presume that all segregation found to exist in the district also results from action by the school board, unless the board can prove the contrary. Intent may be inferred from school board actions which had the foreseeable effect of fostering segregation. Denver began implementing a systemwide desegregation plan under court order, September, 1974, busing some 23,000 of its 80,000 students (not all for desegregation purposes). June 24, 1977, Judge Richard Matsch said he would maintain jurisdiction over the district for another two years, at least.

Fort Lupton: OCR/HEW action pending since 1972. No longer pending, August, 1977.

Loveland: OCR/HEW action begun in 1971, a plan approved in 1972.

Pueblo: HEW action pending since 1968. No longer pending, August, 1977.

CONNECTICUT

Bridgeport: federal litigation pending.

Hartford: federal litigation, Lumpkin v. Dempsey, Civ. No. 13, 716 6 Federal Rules Decision November 9, 1972. OCR/HEW action pending since 1969. No longer pending, August, 1977.

New Britain: OCR/HEW action begun 1975, compliance 1976.

Guida v. Board of Education, City of New Haven, 213 A. 2d 843 (Conn. 1965).

Norwalk CORE v. Norwalk Board of Education, 298 F. Supp. 213 (D. Conn. 1969), aff'd 423 F. 2d 122 (2d Cir. 1970). Claim of discriminatory closing of black schools and busing of black children was dismissed.

Moss v. Stamford Board of Education, 356 F. Supp. 675 (D. Conn. 1973). School Board voluntarily adopted a desegregation plan, which was upheld by the court. The busing pattern was not proven to be discriminatory. OCR/HEW action begun 1970, no longer pending, August, 1977.

U.S. v. Board of Education of Waterbury, Civil No. 13,465, filed October 15, 1969. Consent judgment June, 1973; plan submitted by district is still under review. Puerto Rican Legal Defense Fund is seeking to prevent additional one-way busing of Spanish surname minorities.

DELAWARE

Evans v. Buchanan, 379 F. Supp. 1218 (D. Del. 1974), modified, 393 F. Supp. 428 (D. Del. 1975), affirmed, 96 S. Ct. 381 (1975), 416 F. Supp. 328 (D. Del. 1976), a case that began in 1957 to enforce desegregation throughout Delaware, and will now desegregate the Wilmington and New Castle County schools on a metropolitan basis, if the Supreme Court doesn't reverse. Eleven districts were developing a plan to be implemented September, 1977. The Supreme Court decided on November 30, 1976, not to take the appeal from the three-judge court, but to await a decision by the court of appeals. On May 17, 1977, the appeals court affirmed and ordered the State Board to submit a plan in 60 days. The district court put off the interdistrict remedy August 5, 1977, and rejected the State Board's plan to bus black students out of Wilmington and no white students in. The burden was inequitable.

FLORIDA

Wright v. Board of Public Instruction of Alachua Co. (Gainesville), an NAACP-LDF case, 431 F. 2d 1200 (5th Cir. 1970), 445 F. 2d 1397 (5th Cir. 1971).

U.S. v. Baker Co. (St. John's Co., Seminole Co.), C. A. No. 70-636-Civ.-J. M. D. Fla., filed July 9, 1970.

Youngblood v. Board of Public Instruction of Bay County, 230 F. Supp. 74 (N. D. Fla. 1964). U.S. intervened 1966, 448 F. 2d 770 (5th Cir. 1971).

Weaver v. Board of Public Instruction of Brevard Co. (Cocoa) 467 F. 2d 473 (5th Cir. 1972), cert. denied 410 U.S. 982 (1973).

Allen v. Board of Public Instruction of Broward Co. (Fort Lauderdale), 312 F. Supp. 1127 (S. D. Fla. 1970), 432 F. 2d 362 (5th Cir. 1970) cert. denied 402 U.S. 952 (1971), 329 F. Supp. 251 (S. D. Fla. 1971). Fort Lauderdale has achieved real desegregation. Broward County v. HEW, C. A. No. 73-528 Civ. NCR, S. D. Fla.

Gibson v. Board of Public Instruction of Dade Co. 272 F. 2d 763 (5th Cir. 1959).

Pate v. Dade Co. (Miami) 434 F. 2d 1151 (5th Cir. 1970) cert. denied 402 U.S. 953 (1971); 509 F. 2d 806 (5th Cir. 1975), affirmed the district court's refusal to reconsider desegregation plan, cert. denied 44 LW 3205. After numerous suits, full desegregation not yet achieved.

Mims v. Duval County (Jacksonville) School Board, 329 F. Supp. 123 (M. D. Fla. 1971), affirmed 447 F. 2d 1330 (5th Cir. 1971). Extensive desegregation has been implemented. (The right to close black schools for legitimate nonracial reasons was affirmed.) 385 F. Supp. 585 (M. D. Fla. 1974).

Augustus v. School Board of Escambia Co. 361 F. Supp. 383 (N.D. Fla. 1973), NAACP-LDF case, 507 F. 2d 152 (5th Cir. 1975).

U.S. v. Gadsden Co. et al. (Gulf Jackson, Jefferson, Lafayette, Wakulla), C.A. No. TCA/615 N.D. Fla. July 6, 1970.

U.S. v. Hendry Co. (St. Lucie) et al., 504 F. 2d 550 (5th Cir. 1974).

Hernando Co. District School Board (Brooksville), OCR/HEW notice of intention to initiate formal enforcement proceedings, April 17, 1973.

Mannings v. Board of Public Instruction of Hillsborough Co. (Tampa) 306 F. Supp. 497 (M.D. Fla. 1969), reversed and remanded, 427 F.2d 874 (5th Cir. 1970). Decision May 11, 1971 ordered desegregation of all schools, achieving successful metropolitan desegregation.

U.S. and Blalock v. Board of Public Instruction of Lee County C.A. No. 64-168-Civ-T, M.D. Fla., filed August 16, 1966.

Madison County Board of Public Instruction (Madison), appeal pending before OCR/HEW Reviewing Authority since May 18, 1971.

Harvest v. Board of Public Instruction of Manatee County, 421 F. 2d 136 (5th Cir. 1969), 312 F. Supp. 269 (M.D. Fla. 1970), 425 F.2d 1224 (5th Cir. 1970).

Marion County Schools (Ocala), appeal pending before OCR/HEW Reviewing Authority since December 26, 1973. On remand, new notice of findings, December 27, 1976.

Ellis v. Board of Public Instruction, Orange County (Orlando) 423 F. 2d 203 (5th Cir. 1970). Neighborhood schools were upheld, if under court scrutiny the standard of strict proximity-neutral boundaries is found to effectively establish a unitary school system, and if majority-to-minority transfers are allowed, 465 F.2d 878 (5th Cir. 1972).

Palm Beach County Board of Public Instruction (W. Palm Beach), appeal pending before Reviewing Authority, OCR/HEW, since August, 29, 1969. Private suit, too.

Bradley v. Board of Public Instruction of Pinellas County (St. Petersburg)-NAACP-LDF case, 431 F. 2d 1377 (5th Cir. 1970), cert. denied 402 U.S. 943 (1971); 453 F. 2d 408 (5th Cir. 1971).

U. S. and Mills v. Board of Public Instruction of Polk County, 395 F. 2d 66 (5th Cir. 1968). Plan implemented 1970. U. S. motion for further relief pending.

GEORGIA

- U. S. v. Board of Education of Baldwin County, 423 F. 2d 1013 (5th Cir. 1970).
- U. S. v. State of Georgia, 466 F. 2d 197 (5th Cir. 1972), 501 F. 2d 131 (5th Cir. 1974).
- U. S. v. Board of Education of Ben Hill County, C. A. No. 642, M. D. Ga., filed April 7, 1967.
- U. S. v. Board of Education of Bulloch County, C. A. No. 462, S. D. Ga., filed July 11, 1968.
- U. S. v. Board of Education of Clayton County, 331 F. Supp. 466 (N. D. Ga. 1971).
- U. S. v. Board of Education of Clinch County, C. A. No. 679, S. D. Ga., filed September 3, 1969.
- U. S. v. Board of Education of Coffee County, C. A. No. 679, S. D. Ga., filed September 2, 1969.
- U. S. v. Board of Education of Crisp County, 417 F. 2d 1071 (5th Cir. 1969).
- Private Plaintiff suits in Augusta, Columbus, and Macon.
- U. S. v. Board of Education of Decatur County, C. A. No. 1800, M. D. Ga., filed May 29, 1967.
- U. S. v. Board of Education of Dodge County, C. A. No. 727, S. D. Ga., filed September 3, 1969.
- U. S. v. Board of Education of Emanuel County, C. A. No. 1442, S. D. Ga., filed January 17, 1969.
- Evans County (Claxton) Board of Education, OCR/HEW notice of intention to initiate formal proceedings, June 15, 1967.
- Fulton County (outside Atlanta), Hightower v. West, 430 F. 2d 552 (5th Cir. 1970), approved neighborhood assignment plan where each child will attend integrated/school at some time in his school career.
- Fulton County (Atlanta only), Calhoun v. Cook, filed in 1958 by NAACP, ACLU and LDF. Although Atlanta was found to be unconstitutionally segregated, no effective desegregation plan has been imposed. A substantial number of plaintiffs agreed to a compromise plan, which the court ordered, providing only for majority-to-minority transfers and transportation of some black pupils to achieve at least 30% enrollment in every majority white school. 362 F. Supp. 1249 (N. D. Ga. 1973). On appeal by plaintiffs represented by LDF and ACLU, the court of appeals declared the school system unitary because of the change in racial composition of the system and because blacks could control school policy, administration, and staff, 522 F. 2d 717 (5th Cir. 1975). Motion for rehearing denied, 525 F. 2d 1203 (5th Cir. 1975), en banc and again in 1976. The district court retained jurisdiction pending outcome of the metropolitan case.

Atlanta metro area (Fulton, DeKalb, Cobb, Douglas, Clayton, Gwinette Cos. & Decatur, Buford, Marietta): Armour v. Nix. Civil No. 16708 (N. D. Ga., filed June 7, 1972, an ACLU case to consolidate Atlanta metropolitan area. The Atlanta school system, which was 30% black in 1958 when the Calhoun litigation began, is now nearly 90% black; 92 out of 148 schools are over 90% black. The six surrounding county systems are 95% white. Plaintiffs are amassing evidence of inter-system segregated transfers and of official contributions to segregated housing patterns. Lead counsel in the metro case is Margie Pitts Hames, ACLU cooperating attorney in Atlanta. Trial is expected fall, 1977.

U. S. v. Board of Education of Glascok County, C. A. No. 1442, S. D. Ga., filed January 17, 1969.

Griffin-Spaulding County Schools Decision by OCR/HEW Reviewing Authority July 23, 1974.

U. S. v. Board of Education of Johnson County, 417 F. 2d 1071 (5th Cir. 1969).

Laurens County Schools (Dublin), Hearing conducted by OCR/HEW. No further action since August 11, 1969.

Liberty County (Hinesville) Board of Education, OCR/HEW notice of intention to initiate formal enforcement proceedings, July 17, 1969.

U. S. v. Board of Education of Lincoln County, 301 F. Supp. 1024 (S. D. Ga. 1969).

U. S. v. Board of Education of Long County, C. A. No. 967, S. D. Ga., filed September 3, 1969.

U.S. v. Board of Education of Lowndes County, C. A. No. 785, M. D. Ga., filed July 11, 1968.

U. S. and Stell v. Savannah-Chatham Board of Education, 387 F. 2d 486 (5th Cir. 1967). Plan implemented 1972.

U. S. v. Board of Education of Screven County, C. A. No. 2293, S. D. Ga., filed February 15, 1968.

U. S. v. Board of Education of Talbot County, (Talbotton), C. A. No. 1372, M. D. Ga., filed September 8, 1969. OCR/HEW notice of intention to initiate formal enforcement proceedings, June 27, 1969.

Turner, et al. and U. S. v. Goolsby (Taliaferro County), 255 F. Supp. 724 (S. D. Ga. 1965).

U. S. v. Board of Education of Telfair County, C. A. No. 726, S. D. Ga., filed September 3, 1969.

Tift County Schools (Tifton), OCR/HEW notice of intention to initiate formal enforcement proceedings, May 5, 1972.

U. S. v. Valdosta City School System, C. A. 861, M. D. Ga., Justice Department filed November 30, 1970, after appeal was pending before OCR/HEW Reviewing Authority August 21, 1969. The school district filed a counterclaim December 17, 1970.

Graves v. Walton County Board of Education, 300 F. Supp. 188 (M. D. Ga. 1968), aff'd 410 F. 2d 1153 (5th Cir. 1969); 465 F. 2d 887 (5th Cir. 1972).

Washington County, Hilson v. Ouzts, LDF case challenging ineffective plans. 425 F. 2d 219 (5th Cir. 1970), and 431 F. 2d 955 (5th Cir. 1970), district approved plans were rejected.

U. S. v. Board of Education of Webster County, 431 F. 2d 59 (5th Cir. 1970).

U. S. v. Board of Education of Wheeler County, C. A. No. 729, S. D. Ga., filed September 2, 1969, after OCR/HEW issued notice of intention to initiate formal enforcement proceedings, December 9, 1968.

IDAHO

Cassia County School District #151. OCR/HEW action begun in 1973, concluded in 1975 with a plan or finding of compliance.

ILLINOIS

Argot-Summit-state administrative enforcement effort.

Cahokia Community Unit. School District #187. OCR/HEW action begun 1968, notice of intention to initiate enforcement proceedings, June 21, 1976.

Champaign (1967-68) Urbana (1966) voluntary busing plans. See Congressional Record, May 26, 1976.

Chicago. OCR/HEW has had action pending since 1965, and February 15, 1977, found Chicago in noncompliance with Title VI, due to discriminatory assignment of faculty and inadequate bilingual education. Action pending before Reviewing Authority, and HEW is negotiating. The State Board of Education is also exerting pressure to desegregate students. Chicago Board has proposed a limited plan transferring 2,212 teachers, 80 principals, and providing transportation for voluntary student transfers from overcrowded schools. The State Board has not made a formal decision on it. Webb v. Board of Education of City of Chicago, 223 F. Supp. 466 (N. D. Ill. 1963).

Chicago Heights-state administrative enforcement efforts. School District No. 65, Evanston voluntary districtwide busing since 1965. See Congressional Record, May 26, 1976.

Hazelcrest-state administrative enforcement efforts.

Joliet. OCR/HEW action begun 1968, completed with a plan or finding of compliance 1976.

Kankakee. OCR/HEW action begun and completed 1970, with agreement on a plan.

U. S. v. School District #12 of Madison County, Civil No. 4422, S. D. Ill., filed July 7, 1969.

Maywood School District #89. OCR/HEW action begun in 1969; notice of intention to initiate formal enforcement proceedings, September 17, 1976, with finding of discriminatory assignment of students and teachers.

Oak Park-voluntary plan September, 1976, with state board of education encouragement.

Peoria, federal litigation pending.

Quality Education for all Children Inc. v. School Board of School District #205 of Winnebago County (Rockford), 385 F. Supp. 803 (N. D. Ill. 1974), allowed school board to try its plan, without finding any plan satisfactory yet. The court set out guidelines and presented the school board's, teachers' organization, and plaintiff's plans. The parties were given till March, 1975, to work further. The state is also trying to bring about desegregation in Rockford.

Rock Island-some junior high desegregation at behest of state board of education.

U. S. v. School District #189, St. Clair Co. (East St. Louis), Civil No. 68-134, E. D. Ill. filed, September 6, 1968.

U. S. v. School District #151 of Cook County (South Holland-Phoenix), 404 F. 2d 1125 (7th Cir. 1968). 301 F. Supp. 201 (N. D. Ill. 1969). Modification affirmed, 432 F. 2d 1147 (7th Cir. 1970), cert. denied 402 U. S. 943 (1971). This was the Department of Justice's first northern case finding deliberate gerrymandering, discriminatory faculty assignment, illegality of giving in to perceived preference of whites for segregation.

Springfield, McPherson v. School District No. 186, 426 F. Supp. 173 (S. D. Ill. 1976). Elementary schools will be desegregated, fall, 1977, due to action brought in April, 1974, by the MAACP-LDF, which led to a consent decree in December, 1974, in which the District admitted unconstitutional segregation. Only the remedy issue remained. One plan submitted by the School Board was rejected. By mutual agreement, the Board's middle-school plan was implemented, fall, 1976. This latest 1976 order requires adoption of plaintiff's elementary school plan that the court found to be superior because it leaves in tact already-integrated schools, and it does not unduly burden minority students and lower socioeconomic class children.

Also adopted: the Board's plan for high schools, required affirmative hiring and in-service training of staff, and a biracial citizens advisory and monitoring commission.

Tometz v. Board of Education of Waukegan City, 237 N.E. 2d (Ill., 1968), state litigation.

INDIANA

East Chicago. OCR/HEW action begun 1971; plan approved 1973.

Martin v. Evansville-Vanderburgh school corp., 347 F. Supp. 816 (S. D. Ind. 1972), decision of a desegregation plan was held to be unconstitutional.

Fort Wayne. OCR/HEW action begun 1968; found in noncompliance with Title VI, 1976, but no further action. No action pending, August, 1977. Hart v. Grile. C. A. No. 7-F-142, N. D. Ill. U. S. defendant and amicus brief filed October 12, 1972 and October 18, 1972.

U. S. and Buckley v. Board of School Commissioners of Indianapolis. Case brought by Justice Department in 1968. The district was found guilty of de jure segregation, 332 F. Supp. 655 (S. D. Ind. 1971), affirmed 474 F. 2d 61 (7th Cir. 1973), cert. denied 413 U. S. 920. Buckley plaintiffs intervened to bring in districts outside Indianapolis, to consider metropolitan remedy, when the Justice Department refused. The interdistrict remedy was ordered based on a "tipping point" theory, 368 F. Supp. 1191 (S. D. Ind. 1973), supplemental opinion December 6, 1973, with interim plan affirmed 503 F. 2d 68 (7th Cir. 1974), cert. denied 421 U. S. 929. In an unreported opinion of August 1, 1975, affirmed 541 F. 2d 1211 (7th Cir. 1976) the district court decided the state's setting up a metropolitan Uni-Gov which excluded schools, and state and county discriminatory housing policies, and the suburban Marion County district's resistance to Uni-Gov until schools were excluded, made the state and Marion County districts responsible for inhibiting desegregation, thus justified an interdistrict remedy. The Supreme Court vacated and remanded the decision to the court of appeals to reconsider in light of Washington v. Davis and Arlington Heights, to see if there was discriminatory intent U. S. _____, 97 S. Ct. 800 (1977). The Department of Justice is not seeking a compulsory interdistrict remedy.

OCR/HEW found Jacksonville School District in noncompliance with Title VI, 1976. No action pending August, 1977.

South Bend. OCR/HEW action begun 1969, a plan or finding of compliance 1976.

U. S. v. Indiana State University, Civil Rights Act, Title VII action by the Department of Justice to remedy effects of employment discrimination.

U. S. v. University of Indiana. Civil Rights Act, Title VII action by Department of Justice to remedy effects of employment discrimination.

IOWA

Des Moines. OCR/HEW action begun 1975. Desegregation under state administrative action, 1976.

KANSAS

Garden City. OCR/HEW action pending since 1971. None pending, August, 1977.

Johnson v. Whittier (Johnson Co.), C. A. No. T-5438, U. S. a defendant, filed September 13, 1973.

U. S. v. Unified School District No. 500 of Kansas City, Civil No. KC-3738, filed May 18, 1973. Old case: Downs v. Board of Education of Kansas City, 336 F. 2d 988 (10th Cir. 1964), cert. denied 380 U. S. 914 (1965) said the segregation was de facto, so there was no remedy.

Brown v. Board of Education of Topeka, 347 U. S. 483 (1954) the Supreme Court found de jure segregation to be unconstitutional. 349 U. S. 753 (1955), the Supreme Court ordered desegregation with all deliberate speed, but when this did not occur OCR/HEW gave notice of intention to initiate formal enforcement proceedings August 28, 1974. No action pending, August, 1977.

Ulysses. OCR/HEW action begun 1971.

KENTUCKY

Newburg Area Council, Inc. v. Board of Education of Jefferson County, Ky.; and Haycraft v. Board of Education of Louisville. 541 F. 2d 538 (6th Cir. 1976). After many trips back and forth from district court to court of appeals to Supreme Court, the school district in 1975 began carrying out a metropolitan plan for Jefferson County and Louisville merged. This was ordered despite Milliken v. Bradley because both city and county had not dismantled dual school systems; boundaries were not sacrosanct, in fact had been crossed for purposes of segregation; county is the most important unit of local government in Kentucky; there were only two school districts to be merged, instead of 35 in the Detroit case. The order was in three stages and involved setting up a monitoring system. As a result of monitoring the 1975-76 school year, the plan has been modified; 28 elementary schools were out of compliance with the ratios set by the plan. In May, 1977, Judge Gordon approved exempting all first graders from the plan until there is county-wide kindergarten. (First graders would have desegregated this year under stage III of the present plan.)

LOUISIANA

U. S. and Charles v. Ascension Parish School Board, 443 F. 2d 1181 (5th Cir. 1971).

U. S. v. Avoyelles Parish School Board, 303 F. Supp. 394 (W. D. La. 1969).

Private plaintiff suit v. Baton Rouge.

U. S. v. Bienville Parish School Board, 303 F. Supp. 394 (W. D. La. 1969).

U. S. and Jenkins v. City of Bogalusa School Board (Washington Parish), 421 F. 2d 1339. (5th Cir. 1969); not real desegregation, although the Justice Department considers the case inactive.

J. S. and Lemon v. Bossier Parish School Board, 444 F. 2d 1400 (5th Cir. 1971), 446 F. 2d 911 (5th Cir. 1971). A new plan is expected soon to desegregate one all-black high school.

U. S. and Jones v. Caddo Parish School Board, 499 F. 2d 914 (5th Cir. 1974). Parties agree on plan 1973-74 for Shreveport.

U. S. v. Caldwell Parish School Board, C. A. No. 16, 751, W. D. La., filed May, 1971.

U. S. and Smith v. Concordia Parish School Board, 393 F. Supp. 1101 (W. D. La. 1975).

U. S. v. DeSoto Parish School Board, 420 F. 2d 380 (5th Cir. 1970). A new plan is expected.

Davis v. East Baton Rouge Parish School Board, 398 F. Supp. 1013 (M. D. La. 1975). Suit brought Feb. 1956; the court declared the district unitary, despite 22 one-race schools, and relinquished jurisdiction.

Graham, et al. v. Evangeline Parish School Board, 484 F. 2d 649 (5th Cir. 1973). U. S. amicus brief filed August, 1969. U. S. a party, March, 1971.

U. S. v. Grant Parish School Board, 303 F. Supp. 394 (W. D. La. 1969).

Dandridge v. Jefferson Parish School Board, 332 F. Supp. 590 (E. D. La. 1971), affirmed 456 F. 2d 552 (5th Cir. 1972) ordered desegregation, 3,000 children bused, average of seven miles round trip.

Lafayette Parish. U. S. amicus. Plan implemented 1971-72. Motion for further relief pending.

Hill v. LaFourche Parish School Board, 291 F. Supp. 819 (E. D. La. 1967).

Conley v. Lake Charles School Board, 434 F. 2d #35 (5th Cir. 1970). Later consolidated to Calcasieu Parish School Board, an NAACP LDF case.

U. S. v. LaSalle Parish School Board, C. A. No. 12178, W. D. La., filed July, 1966.

U. S. and Andrews, et al. v. Monroe City School Board (Quachita Parish) 425 F. 2d 1017 (5th Cir. 1970)

U. S. v. Morehouse Parish School Board, 303 F. Supp. 394 (W. D. La. 1969).

Bush v. Orleans Parish School Board, 230 F. Supp. 509 (E. D. La. 1963). Another decision August 22, 1975.

U. S. v. Plaquemines Parish School Board, 415 F. 2d 817 (5th Cir. 1969), 336 F. Supp. 992 (E. D. La. 1971).

U. S. and Boyd v. Pointe Coupee Parish School Board, 505 F. 2d 633 (5th Cir. 1974).

U. S. and Valley v. Rapides Parish School Board, 434 F. 2d 144 (5th Cir. 1970) rejected an ineffective neighborhood school plan. In 1975 a plan was modified. The government submitted a motion for supplemental relief to further desegregate junior high and elementary schools. Defendants filed a motion to dismiss and the court stayed indefinitely consideration of the government's and defendants' motions.

U. S. v. Red River Parish School Board, C. A. No. 12169, W. D. La., filed July, 1966.

U. S. and Hall v. St. Helena Parish School Board, 424 F. 2d 320 (5th Cir. 1970), 443 F. 2d 1181 (5th Cir. 1971).

Private plaintiff v. St. Landry Parish School Board, C. A. 10912; W. D. La., U. S. amicus brief filed September, 1969.

Boudreaux v. St. Mary Parish School Board, 303 F. Supp. 394 (W. D. La. 1969).

Smith v. St. Tammany Parish School Board, 302 F. Supp. 106 (E. D. La. 1969), aff'd, 448 F. 2d 414 (5th Cir. 1971).

Moore v. Tangipahoa Parish School Board, 304 F. Supp. 244 (E. D. La. 1969), 421 F. 2d 1407 (5th Cir. 1969).

Redman v. Terrebonne Parish School Board, 293 F. Supp. 376 (E. D. La. 1967).

Moses v. Washington Parish School Board, 456 F. 2d 1285 (5th Cir. 1972).

Dexter and U. S. v. Louisiana Financial Assistance Commission, filed August, 1966.

U. S. v. Louisiana Board of Education, C. A. No. 1658, E. D. La. filed April, 1965.

MARYLAND

Starr v. Parks (Anne Arundel and Baltimore Cos.), 345 F. Supp. 795 (D. Md. 1972).

U. S. v. Anne Arundel County Board of Education, C. A. No. N-74-1270, filed November 19, 1974.

Baltimore City. Baltimore receives about \$23 million from the federal government annually for elementary and secondary education, so fullfledged action under Title VI could be very painful. On May 2, 1975, new funds to Baltimore were deferred. The deferral was lifted March 12, 1976, when OCR/HEW gave notice of intention to initiate formal enforcement proceedings. This action was enjoined by court order of March 8, 1976, in the merged case of Mandel v. HEW, a higher education case, and Mayor and City of Baltimore v. Mathews, 411 F. Supp. 542 (D. Md. 1976). August 9, 1977, the 4th Circuit Court of Appeals said the district court was correct in enjoining HEW as to higher education, since there were at the time no guidelines, but incorrect as to elementary and secondary, since there were guidelines, 46 U.S.L.W. 2081.

Baltimore County. U.S. v. Baltimore County, C. A. No. 73-387B was filed April 23, 1973, dismissed January 22, 1974. It was a case to desegregate faculty in Baltimore County schools.

U. S. v. University of Maryland at Baltimore, A Civil Rights Act, Title VII, action by Justice Department to remedy effects of employment discrimination. After trial, the court has the matter under advisement.

Morton v. Charles County Board of Education, a Legal Defense Fund case begun in 1971, 373 F. Supp. 394 (D. Md. 1974), affirmed, 520 F. 2d 871 (4th Cir. 1975), cert. denied 44 U.S. Law Week 3358. The reduction in percentage of black teachers was held not to shift the burden of proof to the school board to show the absence of discrimination in hiring and promotion of teachers where the board took affirmative steps to desegregate.

Vaughns v. Board of Education of Prince Georges County, 355 F. Supp. 1034, 1038, 1044, 1051 (D. Md. 1972), the court instituted a plan to desegregate Prince Georges County schools. The approved plan allows no school with black majority, except if the distance is too great. A few schools remain 90% white, none over 50% black, except two paired schools. The average one-way bus trip is 14 minutes, the maximum 35 minutes. 33,000 bused to new schools in 151,000 pupil school system. For description, see Congressional Record, May 26, 1976.

MASSACHUSETTS

Boston. HEW in 1969 began to investigate Boston under congressional pressure for enforcement action against a northern district. The NAACP filed suit when the HEW process took so long. Morgan v. Hennigan, phase I, 379 F. Supp. 410 (D. Mass. 1974), Judge Garrity said the Boston School Committee created a de jure segregated school system, especially in its school site selection, discriminatory feeder pattern, and faculty assignment policies. Affirmed sub nom. Morgan v. Kerrigan, 509 F. 2d 580 (1st Cir. 1974), cert. denied 421 U. S. 963 (1975). Phase II, 388 F. Supp. 581 (D. Mass., 1975) ordered changes in boundaries, 21 citywide magnet schools, and transportation. (Total transportation: 22,000, out of 74,000.) 401 F. Supp. 216 (D. Mass. 1975), affirmed, 530 F. 2d 401 (1st Cir. 1976), cert. denied, 421 U. S. 963 (1976). Another decision affirmed Judge Garrity's action in December, 1975, placing South Boston High School under receivership, ordering the

transfer of teachers and other steps to desegregate and create an atmosphere less hostile to black students. *Morgan v. McDonough*, 540 F. 2d 527 (1st Cir. 1976). East Boston is still largely unaffected except a magnet component of East Boston High for business education. May 6, 1977, Phase III order added kindergarten to plan and gave monitoring authority to School Department's office of implementation.

New Bedford. OCR/HEW action begun 1974. Plan or complying, 1976.

Barksdale v. Springfield School Committee, under federal court order, 237 F. Supp. 543 (D. Mass. 1965) vacated on other grounds, 348 F. 2d 261 (1st Cir. 1965). Peaceful, effective desegregation.

MICHIGAN

Berry v. School District of the City of Benton Harbor, Civ. No. 9 (W. D. Mich. decision, February 17, 1970), affirmed, 505 F. 2d 238 (6th Cir. 1974). August 24, 1977, the court ordered the schoolboard to develop a plan.

Detroit. *Milliken v. Bradley*. The Supreme Court, - U. S. -, 97 S. Ct. 2749 (1977) (*Milliken II*) upheld a Detroit-only plan, including an order that the state pay for certain educational services. In *Milliken I*, 418 U. S. 717 (1974), the Supreme Court, while upholding the finding of de jure segregation, had said that a metropolitan remedy could not be ordered absent proof of discrimination by suburban districts with interdistrict effects causing Detroit's segregated schools. The latest court of appeals opinion criticizes the current plan for not touching three regions of the city with schools that are over 90% black. The district court is still free to entertain a better plan, especially if plaintiffs can produce the evidence necessary for a metropolitan remedy, the only kind that would work, according to the appeals court. The district court must still consider further ways to pay for necessary programs, and further evidence on desegregation of faculty.

Ecorse. HEW action pending since 1969. The district was part of *Milliken v. Bradley* case. In 1976 HEW obtained compliance.

Ferndale. The only northern district in which HEW has completed enforcement action and cut off funds, June 18, 1972. *Ferndale v. HEW*, C. A. No. 72-1541, filed December 8, 1972. Also in court, *U. S. v. School District of Ferndale*, 400 F. Supp. 1135, 1141 (E. D. Mich), cert. granted.

Flint Community Schools, action begun by HEW/OCR in 1968. Given notice of intention to initiate formal enforcement proceedings under Title VI, March 22, 1976. Hearing held April 4, 1977. *Holman v. Flint*. decision, March, 1976.

Higgins v. Grand Rapids Board of Education, 395 F. Supp. 44 (W. D. Mich. 1973), 508 F. 2d 779 (6th Cir. 1974). No real desegregation. Court accepted voluntary plan.

Oliver v. Michigan State Board of Education and School Board of Kalamazoo, an NAACP case holding that the school board's action in rescinding a desegregation plan in May, 1971, was unconstitutional, since segregation was the natural and foreseeable consequence. 346 F. Supp. 766 (W. D. Mich. 1971), affirmed 448 F. 2d 635 (6th Cir. 1971), 368 F. Supp. 143 (W. D. Mich. 1973), 508 F. 2d 178 (6th Cir. 1974), cert. denied 421 U. S. 963 (1975). Now under court order.

NAACP v. Lansing Board of Education, under Phase II of court order. 485 F. 2d 569 (6th Cir. 1973), 429 F. Supp. 583 (W. D. Mich. 1976). Intentional segregation found in Board's rescission in 1973 of a plan, voluntarily adopted by the school board to fulfill its constitutional and state statutory duties, to desegregate elementary schools in 1972, and other segregative acts. (High schools were desegregated in 1966.) The original cluster plan was ordered to remain in effect and further necessary actions will be considered by the court.

Davis v. School District, City of Pontiac. 309 F. Supp. 734 (E. D. Mich. 1970), affirmed 443 F. 2d 578 (6th Cir. 1971), cert. denied 404 U. S. 913 (1971), order vacated 474 F. 2d 46 (6th Cir. 1973), 487 F. 2d 890 (6th Cir. 1973). Discrimination in site selection; collaboration of school board and real estate developers contributed to segregated schools. Now successfully desegregated.

River Rouge. OCR/HEW action begun 1969. Notice of intention to initiate formal enforcement proceedings, September 17, 1976. Appeal pending before Reviewing Authority July 27, 1977.

Saginaw. OCR/HEW action begun 1968. Notice of intention to initiate formal enforcement proceedings, September 17, 1976. Hearing March 15, 1977.

MINNESOTA

Bemidji. HEW/OCR action begun 1972. Plan or complying, 1976.

Cloquet. HEW/OCR action begun 1972. Plan or complying, 1976.

Deer River. HEW/OCR action begun 1972. Plan or complying, 1976.

Detroit Lakes. HEW/OCR action begun 1972. Plan or complying, 1976.

Booker v. Minneapolis Special School District No. 1, 351 F. Supp. 799 (D. Minn. 1972). Under federal court order. With a few modifications, the court accepted the school board's plan and required a beginning of desegregation 1972-73, the faculty integrated 1973-74, and the plan for the whole system implemented 1974-75. Motion for further relief claiming noncompliance with the court order, May, 1977, claiming the school system never had all schools less than 35% of any one minority- or 42% for all minority students in a school, Fall, 1976, 13 schools exceeded those percentages.

MISSISSIPPI

U. S. v. Aberdeen Municipal Separate School District, C. A. No. 6564, N. D. Miss. filed August 26, 1965.

Alcorn Co. (Corinth). OCR/HEW notice of intention to initiate formal enforcement proceedings, March 1, 1976. Action no longer pending, August, 1977.

U. S. v. Amite Co. School District, 423 F. 2d 1264 (5th Cir. 1969). Racially desegregated system, which is 85% black, is segregated by sex. N. Y. Times August 31, 1977, reported boycott by black students.

U. S. and Baird v. Benton Co. School District, 421 F. 2d 700 (5th Cir. 1970).

Henry v. Clarksdale Municipal Separate School District. 433 F. 2d 387 (5th Cir. 1970), 480 F. 2d 583 (5th Cir. 1973).

U. S. v. Columbus Municipal Separate School District and Lowndes County, C. A. No. EC 7055-S, N. D. Miss., filed July 13, 1970. August 6, 1970 consent decree to desegregate secondary schools, leaving elementary schools segregated by neighborhood, plus majority to minority transfers, which has had virtually no effect on desegregation. August 6, 1975, the court ordered a new plan, but the ones submitted by the school district were found unsatisfactory. The court ordered pairing of elementary schools, and stated that a cost of \$135,000 in an annual school budget of over \$6.9 million was not excessive, nor were times and distances (maximum of 3.2 miles; 22 minutes). The full cost of desegregation is less than two percent of the budget. The court therefore ordered an effective plan July 12, 1976, involving pairing, to begin September, 1976.

U. S. v. Covington County School District, C. A. No. 2034. S. D. Miss., filed December 12, 1966. Plan was modified 1975 to desegregate one all-black elementary school by zoning. No transportation issue was involved.

Lee v. United States and Evans Hattiesburg, (Forrest County). Originally filed by the school district challenging HEW's desegregation guidelines, the Justice Department filed a counterclaim December 10, 1965 ordering desegregation of the county's school system, 433 F. 2d 605 (5th Cir. 1970).

Greene County (Leakesville) School District. October 28, 1975, OCR/HEW gave notice of intention to initiate formal enforcement proceedings.

U. S. v. Greenwood Municipal Separate School District, 460 F. 2d 1205 (5th Cir. 1972).

U. S. v. Hinds County (Clinton Municipal Separate) School District, filed 1967, 433 F. 2d 622 (5th Cir. 1970).

Alexander v. Holmes County (and Durant Municipal Separate) School District, C. A. No. 3906, S. D. Miss. U. S. filed an amicus brief July 19, 1965. 396 U. S. 19 (1969), a landmark case marking the end of "all deliberate speed." It was declared that by 1969, the time to desegregate is now.

Singleton v. Jackson Municipal Separate School District, U. S. filed an amicus brief November 13, 1969. 348 F. 2d 720 (5th Cir. 1965), 419 F. 2d 1211 (5th Cir. 1969), cert. denied, 396 U. S. 1032 (1970), an important case that set guidelines for the desegregation of faculty.

U. S. v. Kemper County School District, 433 F. 2d 622 (5th Cir. 1970).

Lee County Schools (Tupelo). OCR/HEW gave notice of intention to initiate formal enforcement proceedings July 6, 1976.

U. S. v. Leflore County School District, C. A. No. 6640A, Miss., filed August 1, 1966.

U. S. v. Lincoln County School District, 423 F. 2d 1264 (5th Cir. 1969).

Lumberton Line Consolidated School District, OCR/HEW gave notice of intention to initiate formal enforcement proceedings March 29, 1974.

U. S. v. Marion County School District, 423 F. 2d 1264 (5th Cir. 1969).

U. S. and Barnhardt v. Meridian Separate School District, C. A. No. 1300, S. D. Miss., filed June 12, 1965.

U. S. v. Montgomery County School District, C. A. No. 6720, N. D. Miss., filed June 7, 1967.

U. S. v. Natchez Special Municipal Separate School District, 423 F. 2d 1264 (5th Cir. 1969).

U. S. v. Neshoboa County School District, 417 F. 2d 852 (5th Cir. 1969).

U. S. v. Nettleton Line Consolidated School District, C. A. No. EC 6963-K, N. D. Miss., filed September 8, 1969.

U. S. v. North Pike Consolidated School District, 423 F. 2d 1264 (5th Cir. 1969).

U. S. v. North Tippah Consolidated School District (including South Tippah), filed September 2, 1966, amended August 5, 1968.

U. S. v. Noxubee County School District, 433 F. 2d 619 (5th Cir. 1970).

U. S. v. Philadelphia Municipal Separate School District, 423 F. 2d 1264 (5th Cir. 1969).

U. S. v. Pontotoc County School District, C. A. No. 6735, N. D. Miss., filed September 14, 1967.

Richton Municipal Separate School District. OCR/HEW gave notice of intention to initiate formal enforcement proceedings April 17, 1973.

Blackwell v. Sharkey-Issaquena County School District and Anguilla Line Consolidated School District, 403 F. 2d 181 (5th Cir. 1968), 423 F. 2d 1264 (5th Cir. 1969).

U. S. v. South Pike Consolidated School District, 423 F. 2d 1264 (5th Cir. 1969).

U. S. v. State of Mississippi, C. A. No. WC 70-56-R., N. D. Miss., filed July 9, 1970, concerning Attalax County, Choctaw County, East Tallahatchie Consolidated, Kosciusko Municipal Separate, Webster County and West Tallahatchie Consolidated.

U. S. v. State of Mississippi, 476 F. 2d 941 (5th Cir. 1973), 499 F. 2d 425 (5th Cir. 1974): concerning Copiah County, Harrison County, Hattiesburg Municipal Separate, Hazelhurst Municipal Separate, Laurel Municipal Separate, Newton County, Poplarville Special, Scott County, Smith County, Simpson County, Union Municipal Separate, Walthall County, Wayne County, Vicksburg Municipal Separate.

U. S. v. Sunflower County School District, 430 F. 2d 839 (5th Cir. 1970).

Tupelo Public Schools. OCR/HEW notice of intention to initiate formal enforcement proceedings, July 23, 1973.

Warren County School System. (Vicksburg), OCR/HEW notice of intention to initiate formal enforcement proceedings, May 18, 1975.

Bell v. West Point School District, 446 F. 2d 1362 (5th Cir. 1971) disallowed closing black schools just for fear whites will refuse to attend.

Other private plaintiff cases in which U.S. submitted amicus briefs: Biloxi Municipal Separate School District (C. A. No. 2696), June 28, 1965 Columbia Municipal Separate School District (C. A. No. 71-3022, S.D. Miss.), October, 1973 Harrison (C. A. No. 70-53K, S.D. Miss.) February 13, 1973, State Educational Finance Commission, C. A. No. 3906, S.D. Miss., March 31, 1966 (tuition grant case); Rankin County, February 24, 1971.

MISSOURI

U.S. v. Missouri (Berkeley, Kinloch, Ferguson-Florissant school district of St. Louis county), 363 F. Supp. 739 (E.D. Mo. 1973), decision; 388 F. Supp. 1058 (E.D. Mo. 1975), order; affirmed in part, reversed in part, 515 F. 2d 1365 (8th Cir. en banc 1975), cert. denied, 96 S. Ct. 374 (1975); later appeal, 523 F. 2d 885 (8th Cir. 1975). Districts are consolidated, on finding of intentional segregation with interdistrict effects, deferring to a plan recommended by the state and county.

Brentwood voluntary plan.

U.S. v. Hazelwood, 392 F. Supp. 1276 (E.D. Mo. 1975), The Justice Department brought this case charging discriminatory hiring of teachers. The district court, after trial, denied all relief. The appeals court reversed, granting relief, 534 F. 2d 805 (8th Cir. 1976). The Supreme Court reversed and remanded, ___ U.S. ___, 97 S. Ct. 2736 (1977) for further consideration of question concerning past acts of discrimination.

U.S. v. Jennings (St. Louis County), 399 F. Supp. 322 (E.D. Mo. 1975), decision of district court, denying relief in Justice Department case charging discriminatory hiring of teachers, has been appealed. Court of Appeals was awaiting decision by Supreme Court in Hazelwood, handed down June 27, 1977 (See above).

Kansas City. March 31, 1977, appeal pending before HEW Reviewing Authority of decision of noncompliance with Title VI of December 22, 1976. July 7 OCR/HEW said Kansas City's plan submitted in March, 1977, was unconstitutional, but did not formally reject it, due to pending legislation in the Congress (Eagleton-Biden amendment). School board suit brought May 26, 1977 against 5 Kansas districts (Shawnee-Mission; Kansas City, Kan.; Olathe; Turner, and Stanley; and 11 Missouri districts (Belton; Blue Springs; Center; Grandview; Hickman Mills, Lee's Summit; Liberty; Independence; North Kansas City; Park Hill; Rayton) for metropolitan student exchange. The plan is similar to one suggested January 25 by the Missouri and Kansas advisory committees to the U.S. Civil Rights Commission. Defendants are also the states of Missouri and Kansas and the U.S. (HEW and DOT). The suit will take many years.

Kirkwood voluntary plan 1975, under pressure from HEW.

U. S. v. LaDue School District, C. A. No. 73-C387(2), E. D. Mo., Filed June 12, 1973.

Liddell v. Board of Education of St. Louis, C. A. No. 72-C-100. A December 24, 1975, consent decree established eight magnet schools, involving 4,000 of the system's 88,000 children. The decree is challenged by the NAACP, Liddel and Board of Education of St. Louis v. Caldwell, 546 F. 2d 768 (8th Cir. 1976), cert. denied, 97 S. Ct. 2987 (1977) established the right of Caldwell to intervene to challenge the consent decree. The Justice Department has also intervened, claiming 25 all-black and 42 all-white schools that were one-race before 1954 still are one-race due to juggling of attendance lines, construction and transfer policies.

Webster Groves voluntary plan.

NEBRASKA

U. S. and Webb v. School District of Omaha, 367 F. Supp. 179, 198 (D. Neb. 1973), 389 F. Supp. 293 (D. Neb. 1974), reversed and remanded with guidelines, 521 F. 2d 530 (8th Cir. 1975), cert. denied 36 S. Ct. 361 (1975). 418 F. Supp. 22 (D. Neb. 1976). The district was ordered to desegregate, because of intentional segregation through discriminatory faculty assignments, school site selection, transfer policies, and use of optional zones. Full integration of faculty was ordered for 1975. A comprehensive plan was implemented September, 1976 including cluster, pairing, rezoning, magnets, new feeder patterns, transfers that promote racial balance paid for by the district. - U. S. -, 97 S. Ct. 290 (1977) vacated and remanded for reconsideration in light of Arlington Heights and Dayton cases.

NEVADA

Las Vegas. Kelly v. Guinn, 456 F. 2d 100 (9th Cir. 1972), cert. denied, 413 U. S. 919 (1973), provides a metropolitan plan for Las Vegas and Clark county. Seven formerly all-black schools were turned into sixth grade centers. In effect, black children are bused 11 years, white children one. For a description, see Congressional Record May 26, 1976.

NEW JERSEY

A state-wide effort by the Office of Equal Educational Opportunity, New Jersey Department of Education, assists districts throughout the state in developing desegregation plans, and monitors compliance. 68 districts are implementing acceptable plans, 10 others are modifying plans, with the state continuing to monitor. HEW/OCR has no action pending in New Jersey. Current enforcement efforts and some notable adopted plans follow:

Belleville: developing a plan.

Bridgeton: staged implementation of a plan.

Camden: developing a plan, with assistance and monitoring by state OEEEO.

Eatontown Twp.: developing a plan with state OEEEO aid.

Elizabeth: developing a plan.

Englewood: Fuller v. Volk, 230 F. Supp. 25 (D. N. J. 1964), vacated on other grounds, 351 F. 2d 232 (3rd Cir. 1965). Plan adopted, with state encouragement, upheld by court.

Franklin Township: developing a plan.

Freehold: staged implementation of a plan.

Hamilton Township: under investigation by state OEEEO.

Hillside: state acting against noncompliance.

Irvington: developing a plan.

Jersey City: carrying out staged implementation of desegregation, with state monitoring.

Lawrence Township: voluntary plan with districtwide fourth grade.

Linden: state acting against noncompliance.

Long Branch: staged implementation of a plan.

Montclair: grade reorganization, cluster-type of voluntary plan.

Morris: voluntary plan that pairs schools.

Passaic. HEW action begun 1969; found compliance in 1976, but state is still monitoring progress toward development of a satisfactory plan.

Paterson: under investigation by state OEE0.

Paulsboro: found in noncompliance by state. Enforcement action in process.

Perth Amboy. HEW action begun 1969. The state is assisting a staged implementation of desegregation.

Hooker v. Board of Education of Plainfield, 212 A. 2d 1, 45 N. J. 161 (1965). A plan approved by the State OEE0 is being implemented.

Pleasantville. HEW action begun 1969. The state is currently still exerting pressure to get the district to adopt a satisfactory plan.

Princeton, a model voluntary plan, described in Congressional Record June 3, 1976. A black elementary school converted to a middle school, with students dispersed, without requiring transportation.

Somerville: developing a plan.

Trenton: under investigation by state OEE0.

NEW YORK

Buffalo. Arthur v. Nyquist, 415 F. Supp. 904 (W. D. N. Y. 1976). Decision holding that the Buffalo school system was intentionally segregated, by the school board, the N. Y. Board of Regents and the N. Y. Commissioner of Education, ordering the city and state to devise a desegregation plan. Aff'd, 547 F. 2d 7 (2d Cir. 1976). Phase I remedy includes some magnet schools; Phase II remedy expected soon.

Greenburgh District No. 7, a Princeton-type voluntary plan.

Branche v. Board of Education, Town of Hempstead, 204 F. Supp. 150 (E. D. N. Y. 1962), held that any avoidable segregation was unconstitutional. But this is only the law in the eastern district of New York.

Lackawanna. HEW action begun 1970; plan or compliance 1976.

Olson v. Board of Education of Union Free School District, Malverne, 250 F. Supp. 1000 (E. D. N. Y. 1966), appeal dismissed, 367 F. 2d 565 (2d Cir. 1966) upheld State Education Commissioner's right to reorganize attendance zones to eliminate excessive racial imbalance.

Blocker v. Board of Education of Manhasset, N. Y. 226 F. Supp. 208 (E. D. N. Y. 1964) ordered desegregation of the district.

Mount Vernon HEW/OCR action begun 1969. Decision of noncompliance with Title VI issued by Reviewing Authority February 5, 1975. Hearing July 15, 1976. Appeal again pending before reviewing authority since May 13, 1977.

Taylor v. Board of Education of New Rochelle, 195 F. Supp. 231 (S. D. N. Y. 1961), affirmed, 294 F. 2d 36 (2d Cir. 1961), cert. denied, 368 U. S. 940 (1961), order modified, 221 F. Supp. 275 (S. D. N. Y. 1963). For a description of plan, see Congressional Record, May 26, 1976. First court ordered busing plan in the North.

New York. HEW limited action begun 1972; fuller investigation 1974. Hart v. Community School District #21, Brooklyn, finding intentional segregation, 383 F. Supp. 699 (E. D. N. Y. 1974), opinion of Judge Weinstein; 383 F. Supp. 796 (E. D. N. Y. 1974), ordered; affirmed, 512 F. 2d 37 (2d Cir. 1975), 497 F. 2d 1027 (2d Cir. 1976) case brought in 1972 by the NAACP. July 26, 1974, a plan was ordered to change the segregated Mark Twain school into a magnet school for gifted and talented students of the entire district. Queens: Preliminary hearing held on NAACP suit against city and state Boards, challenging 99% minority composition of one school in Queens. It will challenge sanctity of boundary between Queens and Nassau counties, but the case is still in early stages.

Poughkeepsie. OCR/HEW action begun 1970, a plan adopted 1972.

Rochester, 1973 found ineligible for ESAA; 1976 found complying. 1963-69 voluntary plan gradually implemented, partially rescinded 1970.

Utica. OCR/HEW action begun 1970, a plan or compliance, 1976.

White Plains, a voluntary Princeton-type plan that involves district-wide busing.

NORTH CAROLINA

Smith and U. S. v. North Carolina State Board of Education, 444 F. 2d 6 (4th Cir. 1971), a combined NAACP, Justice Department suit filed July 22, 1970 concerning Edgecombe County, Goldsboro, Rocky Mount, and Raleigh Cities, and Bladen. Goldsboro has a voluntary plan, adopted in anticipation of HEW action. Also U. S. v. State of North Carolina, et al. C. A. No. 4476, E. D. N. C. Oct. 16, 1963.

Allen v. Asheville City Board of Education, 434 F. 2d 902 (4th Cir. 1970).

U. S. and Singleton v. Anson County Board of Education, 283 F. Supp. 895 (W. D. N. C. 1968).

U. S. v. Bertie County Board of Education, 293 F. Supp. 1276 (E. D. N. C. 1968).

Squires v. Bladen County Board of Education, 329 F. Supp. 1405 (E. D. N. C., 1971) determined busing to be safe.

U. S. v. Burlington City Board of Education, C. A. No. C-1250G-71, M. D. N. C. filed June 11, 1971.

Swann v. Charlotte-Mecklenburg Board of Education, 402 U. S. 1 (1971) successful metropolitan area wide desegregation: landmark Supreme Court decision holding busing to be one legitimate tool to remedy de jure segregation.

Wheeler v. Durham County and City Boards of Education, 379 F. Supp 1352 (M. D. N. C. 1974), 521 F. 2d 1136 (4th Cir. 1975). This case has been in court over a decade, a county plan adopted 1969, a city plan 1970. This latest case approves a county plan changing two predominantly black elementary schools to one-grade schools, with students not in those grades bused out to four other schools. The court of appeals said this was not an undue burden on the black children. The city is not yet a unitary system, but the county is.

Simkins v. Greensboro Board of Education (1970).

Kinston City Schools. OCR/HEW Reviewing Authority decision finding noncompliance with Title VI, December 29, 1976. No longer pending, August, 1977.

Robeson County Schools (Lumberton) OCR/HEW notice of intention to initiate enforcement action August 27, 1968.

U. S. v. Scotland-Neck, 407 U. S. 484 (1972), held that a city may not be separated from a county with the purpose and effect of impeding the dismantling of a dual school system.

Tarboro City Schools, appeal pending before OCR/HEW Reviewing Authority since April 16, 1964. No longer pending, August, 1977.

Vance County Board of Education (Henderson), notice of intention to initiate enforcement action by OCR/HEW, February 4, 1977.

Turner v. Warren County Board of Education, 313 F. Supp. 380 (E. D. N. C. 1970) disapproved dividing a school district into two racially separate districts.

Scott v. Winston Salem/Forsyth Co., 317 F. Supp. 453 (D. N. C. 1970), stay denied 404 U. S. 1221, 404 U. S. 912 (1971) a Princeton-type plan adopted.

OHIO

Akron case dismissed by district court in 1965. NAACP did not appeal, due to lack of funds. "Akron Plan" of Board of Education involves school construction and closing (mostly black schools), without any admission of intentional segregation. The Board is interested in promoting voluntary metropolitan area desegregation. The NAACP is monitoring the Plan.

Canton City. OCR/HRW action begun 1968.

Fleur and Cohen v. Chesterfield County School District, C. A. Nos. 72-777 and 72-1127, U. S. amicus brief filed October 2, 1973.

Bronson v. Board of Education of Cincinnati, 525 F. 2d 344 (6th Cir. 1975), cert. denied 425 U. S. 934 (1976) limits new trial to facts occurring since Deal v. Cincinnati Board of Education, 244 F. Supp. 572 (S. D. Ohio 1965), aff'd 369 F. 2d 55 (6th Cir. 1966), cert. denied 389 U. S. 847 (1967); 419 F. 2d 1387 (6th Cir. 1969), cert. denied 402 U. S. 962, in which a remedy was denied because the court found that only de facto segregation had been proven. Imbalance was held to be a result of neighborhood schools. No date set for new hearing in suit including suburbs. June 26, 1977, Judge David Porter held preliminary hearing on amended complaint including suburban districts.

Cleveland. Reed v. Rhodes, 422 F. Supp. 708 (N. D. Ohio, 1976), brought by the NAACP. The Board of Education was held to have deliberately segregated students and faculty, gerrymandering boundaries, using in-tact busing, optional zones in transitional neighborhoods, double sessions in the black Hough neighborhood, discriminatory selection of school sites. The school system cooperated with the Cuyahoga Metropolitan Housing Authority in contributing to racially identifiable neighborhood schools. The State Board of Education was also found to have violated children's constitutional rights in approving inferior education in the Hough area, and in other discriminatory acts and omissions. The order to desegregate was stayed by Judge Paul C. Weick of the Sixth Circuit Court of Appeals, September 20, 1976, pending appeal of Judge Battisti's order and judgment, hearing to be June 9. June 3 preliminary order for staff assignments. Hearing before Special Master Daniel McCarthy on student assignments, etc. Judge Battisti will take more evidence on intent, after court of appeals returned the case to him, due to Supreme Court's Dayton decision, but the Board must continue preparing a plan.

Penick v. Columbus Board of Education, _____ F. Supp. _____ (S. D. Ohio March 9, 1977). The local and state boards were found to have discriminated, and are directed to formulate and submit to the court within 90 days a plan to be implemented 1977-78 school year. New construction must be approved by the court. Provision made for expedited appeal. Plans are being reviewed by Special Master Luvern Cunningham. The judge rejected the state's and Board's plans, and ordered new ones by August 24.

Brinkman v. Gilligan and Dayton Board of Education. The court of appeals twice rejected plans approved by the district court that provided for magnet schools and no compulsory reassignment of students. December 29, 1975, the district court handed down another decision. March 25, 1976, it ordered adoption of a plan partially based on the report of the court-appointed special master, John A. Finger, Jr. The Plan provides for ratios in each school + 15% of the district's racial composition. The Dayton system has 42,000 students, 48% of whom are black, so black enrollment will range from 33-63%. The court of appeals affirmed, 539 F. 2d 1084 (6th Cir. 1976), noting that this flexible standard followed the Supreme Court's holdings in Swann and Keyes that ratios can be a useful starting point in establishing a unitary system. The Supreme Court - U. S. -, 97 S. Ct. 2766 (1977) vacated the court of appeals decision and sent the case back for more findings of fact by the district court, since the appeals court had mishandled the case.

Defiance. OCR/HEW action begun 1972. No longer pending, August, 1977.

U. S. v. Board of Euclid Public Schools, C. A. No. 0-7556, N. D. Ohio, filed January 20, 1975.

Fremont. OCR/HEW action begun 1972. No longer pending, August, 1977.

Hamilton. OCR/HEW action begun 1970. No longer pending, August, 1977.

Clemons v. Board of Education Hillsboro, 228 F. 2d 853 (6th Cir. 1956), cert. denied 350 U. S. 1006 (1956). Under federal court order.

Leipsic. OCR/HEW action begun 1972. No longer pending, August, 1977.

Lima. Found noncomplying with Title VI. Notice given of intention to bring formal enforcement action December 17, 1976, as to faculty and student assignment discrimination. Hearings begun July 11, 1977, suspended July 14.

Middletown. OCR/HEW action begun 1968; acceptable plan adopted 1972.

Princeton. 1973 found ineligible for ESAA. September 17, 1976, OCR/HEW notice of intention to initiate formal enforcement proceedings due to discriminatory assignment of teachers. Hearing held April 13, 1977.

Springfield City Public Schools. Found noncomplying with Title VI. Notice of intention to initiate formal enforcement proceedings, November 9, 1976. Deferral of applications for new activities lifted March 21, 1977. Plan acceptable to HEW will be implemented Fall, 1977.

Toledo. HEW/OCR action begun 1968 as to maintaining racially identifiable Spencer Sharples Schools. Possible federal litigation contemplated. HEW accepted teacher reassignment plan to be implemented Fall, 1977.

Warren City. HEW/OCR action begun 1969. No longer pending, August, 1977.

Alexander v. Youngstown Board of Education (N. D. Ohio) Federal case argued and briefed. Decision expected September, 1977.

OKLAHOMA

Ardmore City. OCR/HEW found noncompliance with Title VI. Issued notice of intention to initiate formal proceedings April 17, 1973.

Dowell v. Board of Education of Oklahoma City, 244 F. Supp. 971 (W. D. Okla. 1965). 375 F. 2d 158 (10th Cir. 1967), cert. denied 387 U. S. 931 (1967); 338 F. Supp. 1256 (W. D. Okla. 1972), aff'd 465 F. 2d 1012 (10th Cir. 1972), cert. denied, 409 U. S. 1041 (1972). A neighborhood school system was found to be insufficient if it does

not dismantle a dual system, especially if the policy is applied inconsistently. Segregative transfers are unacceptable. John A. Finger, Jr., who wrote the court order plan for Oklahoma City, recently noted in "Why Busing Plans Work", 84 School Review 364 (May 1976), that even well-designed plans may result in resegregation, if no one acts to prevent further segregation of housing.

Board of Education ISD #53 of Oklahoma Co. v. Board of Education ISD #52 Oklahoma County, 413 F. Supp. 342 (W. D. Oklahoma 1975) a district was allowed to de-annex, despite the racial effects increasing imbalance, when not racially identifiable schools before or after de-annexation. 523 F. 2d 730 (10th Cir. 1976).

U. S. and Smith v. Board of Education ISD No. 1, Tulsa County, 429 F. 2d 1253 (10th Cir. 1970), reversed the district court's dismissal of the complaint. 459 F. 2d 720 (10th Cir. 1972) held the finding of the district court that segregation was de facto was not clearly erroneous. 413 U. S. 916 (1973) the Supreme Court remanded for further consideration in light of Keyes. On remand, 492 F. 2d 1189 (10th Cir. 1974) the court of appeals ordered the district court to reopen the case for further argument because the facts had so changed. Motion for further relief is pending.

OREGON

Dayton. OCR/HEW action begun 1974, found noncompliance 1976. No longer pending, August 1977.

Klamath Falls. OCR/HEW letter of findings of noncompliance as to programs for Indian students, May, 1977.

Ontario. OCR/HEW action begun 1974, found noncomplying, and notice of intention to initiate formal enforcement proceedings October 12, 1976. No longer pending, August, 1977.

Black Coalition v. Portland School District No. 1, 484 F. 2d 1040 (9th Cir. 1973). Portland is implementing a voluntary plan, following state board policy to eliminate racial isolation. The plan has been criticized for placing greater burden on black children, and for its "deficit model" philosophic basis.

PENNSYLVANIA

Desegregation of 23 school systems by authority of Pennsylvania Human Relations Commission (PHRC) in cooperation with the State Department of Education.

Hoots v. Commonwealth of Pennsylvania (Allegheny Co.), 359 F. Supp. 807 (W. D. Pa. 1973), 452 F. 2d 1095 (3d Cir. 1974), cert. denied, 419 U.S. 884 (1974) held that state standards may not be disregarded when school districts are consolidated and natural and foreseeable consequence is segregation. Final order pending.

PHRC v. Chester City School District, 209 Pa. Super. 37, 224 A. 2d 811 (1966), modified 427 Pa. 157, 233 A. 2d 290 (1967), upheld a PHRC order (desegregation following a Commission-initiated complaint, investigation, attempted conciliation, and public hearing before the Commission).

Coatesville. PHRC currently negotiating with school officials to seek reassignment of pupils in order to desegregate all school buildings.

Erie School District will desegregate its last school building September, 1977, pursuant to court order (no written opinion). PHRC will monitor.

Balsbaugh v. Rowland (Harrisburg), 447 Pa. 423, 290 A. 2d 881 (1972), a parents' organization challenged a voluntary desegregation plan. The court held that there was no vested right in attending a neighborhood school.

NAACP v. Greater Johnstown School District, 361 F. Supp. 1333 (W. D. Pa. 1973) challenging placing burden of desegregation on blacks. However, it was found that the black school that had been closed was in fact very old, and that educational necessity governed the action. The issue was settled.

McKeesport. PHRC is negotiating with school officials to seek reassignment of pupils in order to desegregate all school buildings.

PHRS v. Uniontown Area School District, New Castle Area School District, New Kensington-Arnold School District, 313 A. 2d 344 (1973), PHRC order was upheld.

PHRC v. Norristown Area School District, 20 Pa. Cmwlth. 555, 342 A. 2d 699 (1972), Pa. 374 A. 2d 671 (1977), affirmed a PHRC order. In its August, 1977, public meeting, the PHRC approved a revised plan submitted by the district, to be implemented this fall.

Penn Hills, implemented a voluntary plan in 1968; is closing an elementary school and will again be in full compliance with PHRC/Department of Education guidelines, fall, 1977.

PHRC v. School District of Philadelphia, Pa. Cmwlth. 374 A. 2d 1014 (1977). The Commonwealth Court ruled that the district may implement a voluntary desegregation plan (based on magnet schools) in the Fall, 1978. PHRC filed an appeal with the Supreme Court of Pennsylvania, insisting that there be an involuntary backup plan, if the voluntary plan proves less successful than the school district hopes.

PHRC v. School District of Pittsburgh, Pa. Cmwlth. 367 A. 2d 829 (1977). The Commonwealth Court ordered the district to desegregate, and the district has appealed to the Pennsylvania Supreme Court.

Southeast Delco (Delaware Co.). PHRC is currently negotiating with school officials to eliminate racial segregation in the elementary schools that is an outgrowth of district reorganization.

Zebra v. School district, 296 A. 2d 748 (Pa. 1972), upheld a desegregation plan against a challenge claiming busing was inherently unsafe.

Husbands v. Commonwealth of Pennsylvania, 359 F. Supp. 925 (E. D. Pa. 1973) 395 F. Supp. 1107 (E. D. Pa. 1975) action challenging district reorganization on grounds that is caused segregation was dismissed for lack of proof of segregatory intent.

RHODE ISLAND

Providence: 7-year desegregation plan due to violation of state guidelines. The plan involves one-way busing of black children.

Barletta v. Kilvert, 304 A. 2d 353 (R. I. 1973).

SOUTH CAROLINA

U. S. v. Abbeville Co. School District No. 60, C. A. No. 69-615, D. S. C. filed July 8, 1969.

U. S. v. Allendale Co School District, 298 F. Supp. 784 (D. S. C. 1969).

U. S. v. Anderson County School District, No. 3, 298 F. Supp. 784 (D. S. C. 1969).

U. S. v. Bamberg County School District No. 2, 298 F. Supp. 784 (D. S. C. 1969).

U. S. v. Barnwell County School District No. 19, C. A. No. 70-599, filed July 9, 1970 also against Berkeley, Colleton, Fairfield, Florence County No. 1 and No. 4 Hampton County No. 2, McCormick County, and Orangeburg Co. No. 3

U. S. v. Barnwell Co. No. 45, C. A. No. 69-613, filed July 7, 1969.

Beaufort Co. OCR/HEW found noncompliance with Title VI. Appeal pending before Reviewing Authority since January 24, 1974. No longer pending August, 1977.

U. S. v. Calhoun County No. 1, C. A. No. 70-563, filed June 26, 1970.

U. S. v. Calhoun County No. 2, C. A. No. 66-598, filed August 16, 1966.

Charleston. Federal case brought by private plaintiff.

Chester Co. OCR/HEW found noncompliance with Title VI. Following all review procedures, report of final decision filed with Congressional Committee, July 23, 1970.

U. S. v. Chesterfield County: motion to enforce remand of 4th Circuit Court of Appeals concerning reinstatement of teachers found to have been discriminatorily dismissed.

Brunson v. Board of Trustees of Clarendon County School District No. 1, 429 F. 2d 820 (4th Cir. 1970) held that all-black schools may not be maintained just to prevent white flight. Some children's constitutional rights may not be traded for stability.

U. S. and Miller v. Clarendon County School District No. 2, 298 F. Supp. 784 (D. S. C. 1969).

Colleton County School District (Walterboro), OCR/HEW notice of intention to initiate formal enforcement proceedings November 22, 1967.

U. S. v. Darlington County School District, C. A. No. 68-328, filed April 15, 1968. Stanley v. Darlington Co. S. D., C. A. No. 7749. U. S. amicus brief filed May 20, 1966.

U. S. v. Dorchester County School District No. 1., C. A. No. 68-697, filed August 2, 1968.

Florence County School District No. 3 (Lake City), OCR/HEW notice of intention to initiate formal enforcement proceedings May 18, 1971.

Florence Public Schools District No. 1 Appeal Pending before OCR/HEW Reviewing Authority since September 3, 1969.

U. S. v. Georgetown County School District, C. A. No. 69-43, filed January 15, 1969.

Whittenberg v. Greenville County School District, 298 F. Supp. 784 (D. S. C. 1969), U. S. amicus brief filed May 20, 1966.

U. S. v. Hampton County School District No. 1, C. A. No. 69-45, filed January 15, 1969.

Laurens County School District No. 56 (Clinton). OCR/HEW decision of noncompliance with Title VI issued March 15, 1977. Appeal pending before Reviewing Authority since April 5, 1977.

U. S. v. Lexington County School District No. 7 C. A. No. 66-96 filed February 7, 1966.

Oconee County School District, OCR/HEW notice of intention to initiate formal proceedings, November 30, 1967.

Adams v. Orangeburg County School District No. 5, 444 F. 2d 99 (4th Cir. 1971).

U. S. v. Orangeburg County School District No. 7 (Elloree), C. A. No. 67-628, filed September 8, 1967.

Richland School District No. 1 (Columbia). Decision of noncompliance with Title VI issued by OCR/HEW Reviewing Authority, June 23, 1970.

U. S. v. Saluda County School District No. 1, 488 F. 2d 804 (4th Cir. 1973).

Sumter School District No. 17, Decision of noncompliance with Title VI issued by OCR/HEW Reviewing Authority, April 7, 1975.

York County School District No. 3 (Rock Hill), OCR/HEW notice of intention to initiate formal enforcement proceedings, October 1, 1976. No longer pending, August, 1977.

TENNESSEE

Mapp v. Board of Education of Chattanooga, 329 F. Supp. 1374 (E. D. Tenn. 1971), 341 F. Supp. 193 (E. D. Tenn. 1972), aff'd 477 F. 2d 851 (6th Cir. en banc 1973), cert. denied 414 U. S. 1022 (1973); 366 F. Supp. 1257 (E. D. Tenn. 1973) denied motion for further relief, affirmed 525 F. 2d 169 (6th Cir. 1975) cert. denied, 44 U. S. L. W. 3756 (June 29, 1976). The appeals court held that it is not necessary to redraft a 1971 desegregation plan that would have produced four racially balanced high schools in 1971, but does not now, due to "white flight" not caused by the actions of the school board. Voluntary majority-to-minority transfers are still permitted. The court found that the dual school system had been dismantled. Later decision: 527 F. 2d 1388 (6th Cir. 1976).

Covington City Schools. Hearing conducted by OCR/HEW for noncompliance with Title VI, August 13, 1970.

U. S. v. Crockett County Board of Education, C. A. No. 1663 (W. D. Tenn.) filed June 7, 1966.

Dyer County Schools (Dyersburg), Decision of noncompliance with Title VI by OCR/HEW, March 9, 1977.

U. S. v. Dyersburg City Board of Education, C. A. No. C-66-241 (W. D. Tenn.) filed August 26, 1966.

U. S. and McFerren v. Fayette County Board of Education, 455 F. 2d 194 (6th Cir. 1972). Plan modified in 1975, desegregating 3 all black elementary schools. (It is a rural district in which transportation was not an issue.)

U. S. v. Franklin Special School District, C. A. No. 6215 (M.D. Tenn.) filed June 28, 1971.

U. S. v. Gibson County, C. A. No. 2008, filed June 23, 1970, amended July 13, 1970.

U. S. v. Hardeman County Board of Education, C. A. No. 1926 (W. D. Tenn.) filed July 8, 1969.

U. S. v. Haywood County Board of Education and Brownsville City Board of Education, 271 F. Supp. 460 (W. D. Tenn. 1967).

U. S. v. Humboldt City Board of Education, C. A. No. 20008, filed June 23, 1970, amended July 13, 1970. Plan modified in 1975, desegregating one all black school by cluster and minimal transportation.

Monroe v. Board of Commissioners of the City of Jackson and Madison County Board of Education, 391 U. S. 450 (1968) 427 F. 2d 1005 (6th Cir. 1970). 505 F. 2d 105 (6th Cir. 1974). Plan modified in 1975, desegregating one all-black elementary school by contiguous pairing.

Goss v. Board of Education of the City of Knoxville, 444 F. 2d 632 (6th Cir. 1971); 482 F. 2d. 1044 (6th Cir. 1973) cert. denied 414 U. S. 1171 (1974) (partial desegregation.)

Lauderdale County School (Ripley). Appeal pending before OCR/HEW Reviewing Authority since September 25, 1975.

Northeross v. Board of Education of Memphis City Schools, 341 F. Supp. 583 (W. D. Tenn. 1972), aff'd 489 F. 2d 15 (6th Cir. 1973), cert. denied 416 U. S. 962 (1973). (partial desegregation).

Kelley v. Metro Board of Education of Nashville (including Davidson County), memorandum opinion of the district court aff'd 463 F. 2d 732 (6th Cir. 1972), cert. denied 409 U. S. 1001 (1973) effectively desegregates the metropolitan area. 372 F. Supp. 540 (M. D. Tenn. 1973).

U. S. and Robinson v. Shelby County Board of Education, 442 F. 2d 255 (6th Cir. 1971); 467 F. 2d 1187 (6th Cir. 1972).

U. S. and Fayne and Weaver v. Board of Education of Tipton County, C. A. No. C-65-274, filed January 11, 1966.

TEXAS

Atlanta Independent School District. Decision of noncompliance issued by Reviewing Authority of OCR/HEW April 17, 1973.

U. S. and Overton v. Texas Education Agency (Austin II), 532 F. 2d 380 (5th Cir. 1976), vacated the remanded, -U. S. -, 97 S. Ct. 516 (1976). In Austin I, 467 F. 2d 848 (5th Cir. en banc 1972) remanded to the district court with instructions to eliminate discrimination against both blacks and Mexican-Americans at once, finding part-time desegregation unsatisfactory. In Austin II the court of appeals found a sixth-grade-only desegregation plan unsatisfactory. The court also stated that intent to discriminate could be inferred because a school official can be assumed to intend the natural and foreseeable consequences of his acts. Mexican-Americans were segregated as a result of segregated housing, upon which neighborhood assignment policies were imposed. Segregation was also the foreseeable consequence of school site location, attendance zones, faculty and student assignment policies. On December 6, 1976, the Supreme Court vacated this court of appeals decision, and sent the case back for reconsideration in light of Washington v. Davis, an employment case in which the Supreme Court had said it was not enough to find

segregative effects; intent must also be proved. The court of appeals is still free to find that there was intentional segregation when it reconsiders the case. The Justice Dept. filed a brief March 23, 1977, citing intentional segregation of blacks and Mexican-Americans.

Beaumont Independent School District v. HEW. The Justice Department filed cross complaints August 15, 1973 and November 14, 1973. C. A. 73-CA-240, E. D. Tex. Plan 1975, implemented peacefully.

Big Spring Independent School District. Appeal pending before OCR/HEW Reviewing Authority since February 27, 1974. Remanded for new hearing February 24, 1976.

Brazosport Independent School District (Clute). OCR/HEW notice of intention to initiate formal enforcement proceedings, December 15, 1975.

Cleburne Independent School District. OCR/HEW notice of intention to initiate formal enforcement proceedings, January 12, 1976. Decision by Reviewing Authority, June 9, 1977.

Cisneros v. Corpus Christi Independent School District, a case originally brought in 1968 by Mexican-American and black members of the United Steel Workers, 324 F. Supp. 599 (S. D. Tex. 1970), 330 F. Supp. 1377 (S.D. Tex. 1971), 467 F. 2d 142 (5th Cir. en banc 1972), cert. denied, 413 U. S. 922 (1973) rehearing denied 414 U. S. 881 (1975). This was a legally important case bringing Mexican-Americans within the meaning of school desegregation law. The reasoning was like that in northern school cases—discriminatory drawing of boundaries, site locations of new schools, transfer policies, rather than segregation required by statute—demonstrating specific acts and policies of school officials that constitute de jure segregation. A new plan was ordered in 1975. There is still a shortage of minority teachers and bilingual programs. See United States Commission on Civil Rights, "Fulfilling the Letter and Spirit of the Law" (1976), pages 106-112.

Corsicana Independent School District. Decision by OCR/HEW Reviewing Authority July 24, 1975.

Tasby v. Estes (Dallas), 517 F. 2d 92 (5th Cir. 1975), cert. denied 423 U. S. 939 (1975) rejected part-time "desegregation" through use of television, ordered a new plan. The district court rejected a metropolitan remedy where suburban districts had shown there was no significant interdistrict segregative effect. 412 F. Supp. 1185 (N. D. Texas. 1975). The district court ordered a plan prepared by the Educational Task Force of the Dallas Alliance. 412 F. Supp. 1192 (N. D. Tex. 1976). The plan involves some redistricting and considerable busing at the 4-8 level, with an emphasis on small classes and neighborhood schools. Five of six sub-districts largely reflect district-wide racial composition, and some district-wide magnet schools are used. Four high schools are district-wide magnet schools with differing career orientations and two more are scheduled for opening 1977-78. Some majority to minority transfers allowed. Minority and majority transfers allowed where needed to implement bilingual programs. The plan provided guidelines for due process in disciplinary procedures and also for recruitment of minority teachers and administrators.

Dawson Independent School District. OCR/HEW hearing November 1, 1976.

Hernandez v. Driscoll Consolidated Independent School District, 2 RACE RELATIONS LAW REPORTER 329 (S. D. Tex. 1957).

Alvarado v. El Paso Independent School District, a MALDEF case, 426 F. Supp. 575 (W. D. Tex. 1976). A finding of intentional segregation of Mexican-Americans in a meaningful portion of the district shifted the burden of proof to the district to prove the remaining segregation was due to geographic and demographic factors. The district court held that the school board met the burden. The remedy therefore is not districtwide and entails shifting some boundaries, air conditioning more Mexican-American schools, recruiting and promoting Mexican-American staff to meet HEW agreement. Majority to minority transfers.

Flax v. Potts (Fort Worth). NAACP Legal Defense case, in which the Justice Department filed an amicus brief, April 28, 1972. 204 F. Supp. 458 (N. D. Tex. 1962). 333 F. Supp. 711 (N. D. Tex. 1970). 450 F. 2d 1118 (5th Cir. 1971) remanded to comply with Swann. 464 F. 2d 865 (5th Cir. 1972) disapproved plan approved by district court. Cert. denied 409 U. S. 1001 (1972). Only partial desegregation of first grade was permitted by the Court.

Galveston Independent School District. OCR/HEW notice of intention to initiate formal enforcement, enforcement proceedings, June 16, 1975.

Gilmer Independent School District, OCR/HEW hearing held on violation of Title VI, February 27, 1970.

Goose Creek Consolidated Independent School District (Baytown). Appeal pending before OCR/HEW Reviewing Authority since October 30, 1975. Action no longer pending, August, 1977.

Grapeland Independent School District. OCR/HEW notice of intention to initiate formal enforcement proceedings, January 12, 1976.

Ross and U. S. v. Eckels (Houston), 434 F. 2d 1140 (5th Cir. 1970) rejected a strict neighborhood school plan as inadequate. 468 F. 2d 649 (5th Cir. 1972). A plan modified 1975 to include magnet schools. Substantial segregation remains. The transportation issue not raised by Justice Department. November, 1976, trial was expected on issue of session of Westheimer from Houston district. In Wright v. Houston Independent School District, 393 F. Supp. 1149 (S. D. Tex. 1975) a monetary judgment was permitted against the district for teachers who had proved discrimination.

Huntsville Independent School District. OCR/HEW notice of intention to initiate formal enforcement proceedings, August 18, 1973.

Hiatt v. Biondi (Kennedale), 389 F. Supp. 1132 (N. D. Tex. 1975) suit challenging the creation of an independent school district as racially motivated. The district court held the action to have been motivated by taxes, not race.

Klein Independent School District (Spring), appeal pending before OCR/HEW Reviewing Authority since May 27, 1970.

Lovelady Independent School District. Hearing before OCR/HEW, May 25, 1977.

Lubbock 316 F. Supp. 1310 (N. D. Tex. 1970).

Marlin Independent School District. Decision of noncompliance issued by OCR/HEW Reviewing Authority November 26, 1975. Decision by Secretary, February 17, 1976.

Marshall Independent School District. Review pending before Secretary since September 1, 1976.

U. S. v. Midland Independent School District, 334 F. Supp. 147 (W. D. Tex. 1971), 519 F. 2d 60 (5th Cir. 1975), cert. denied ___ U. S. ___ 96 S. Ct. 1106 (1976). In this case, originally brought in 1970, the district court repeatedly found no discrimination against Mexican-Americans and blacks on the basis of history and statistical evidence. In 1975 the desegregation of 5 elementary schools that were over 90% minority was ordered. This involved some transportation, but distances were small.

Monahans-Wickett-Pyote Independent School District. OCR/HEW notice of intention to initiate formal enforcement proceedings, November 20, 1975. No longer pending, August, 1977.

Navasota Independent School District. OCR/HEW notice of intention to initiate formal enforcement proceedings, April 17, 1973.

Zamora v. New Braunfels Independent School District, 362 F. Supp. 552 (W. D. Tex. 1973), 519 F. 2d 1084 (5th Cir. 1975) remanded to district court to reconsider in light of the circuit court's decisions in Tasby v. Estes, Morales v. Shannon and U. S. v. Midland. The district court had only found de facto segregation.

Northside Independent School District of Bexar, Medina and Bandera Counties, Texas, et al. v. Texas Education Agency, 410 F. Supp. 360, 365 (W. D. Tex. 1976).

Pine Tree Independent School District (Longview), OCR/HEW notice of intention to initiate formal enforcement proceedings, January 12, 1976. No longer pending August, 1977.

Raymondville Independent School District, decision by OCR/HEW Administrative Law Judge, June 3, 1977.

U. S. v. Richardson Independent School District. 512 F. 2d 896 (5th Cir. 1975). The district court denied plaintiffs relief on grounds that the one all-black school in this Dallas suburb that is 3% black was segregated due to neutral geographic factors. The court of appeals reversed, ordering a plan to desegregate the school. While the reason the school is currently segregated is geographic, the underlying cause is

historical and intentional. Notice of intention to initiate formal proceedings by OCR/HEW pending since November 25, 1966.

Royal Independent School District (Brookshire). OCR/HEW notice of intention to initiate formal enforcement proceedings, January 12, 1976.

U. S. v. Sonora Independent School District, CA No. 6-224, N. D. Tex., filed by Department of Justice.

Sweeny Independent School District. OCR/HEW notice of intention to initiate formal enforcement proceedings, January 12, 1976.

McNeal v. Tate County School District, 508 F. 2d 1017 (5th Cir. 1975) held that ability grouping is all right, so long as it has no discriminatory effects. If there are discriminatory effects, the burden shifts to the school district to show that the assignment is not based on the present results of past segregation or that the school will remedy such results through the grouping process.

U. S. v. Tatum Independent School District, 306 F. Supp. 285 (E. D. Tex. 1969).

Texarkana Independent School District. OCR/HEW decision of noncompliance with Title VI issued by Reviewing Authority March 3, 1977.

Trinity Independent School District, OCR/HEW notice of intention issued April 17, 1973.

Trinidad Independent School District, OCR/HEW notice of intention to initiate formal enforcement proceedings, March 25, 1976.

U. S. v. Tyler Independent School District, CA. No. 5176, E. D. Tex. filed by Department of Justice July 15, 1970.

Morales v. Shannon (Uvalde), 516 F. 2d 411 (5th Cir. 1975), cert. denied ___ U. S. ___, 96 S. Ct. 566 (1975). The court of appeals held that the neighborhood school system froze Mexican-Americans into a segregated school system. The case was sent back to the district court for further facts on whether ability grouping and faculty hiring practices of the district were discriminatory. July 24, 1974 decision of noncompliance by Reviewing Authority of OCR/HEW.

Victoria Independent School District. Appeal pending before OCR/HEW Reviewing Authority since August 13, 1975.

Arvizu and Balsy v. Waco Independent School District, 373 F. Supp. 1264 (W.D. Tex. 1973), 495 F. 2d 499 (5th Cir. 1974) remanded to the district court to consider what the criteria should be for recruiting, hiring, and assigning faculty. The school district was ordered to integrate the high school and the court must consider if too much of the burden of integration is placed upon minority students. 496 F. 2d 1309 (5th Cir. 1974).

Winona Independent School District. OCR/HEW notice of intention to initiate formal enforcement proceedings, May 18, 1977.

U. S. suits v. Port Arthur, Odessa, San Angelo, Wichita Falls, 1970.

UTAH

Ordin. OCR/HEW action begun 1969. Acceptable plan adopted 1972.

VIRGINIA

Walker v. County School Board of Brunswick County, 413 F. 2d 53 (4th Cir. 1969).

Medley v. School Board of the City of Danville, 350 F. Supp. 34 (W. D. Va. 1972), remanded 482 F. 2d 1061 (4th Cir. en banc 1973), cert. denied 414 U. S. 1172 (1974).

✓ Wright v. Council of the City of Emporia, 442 F. 2d 570 (4th Cir. 1971), reversed 407 U. S. 451 (1972).

U. S. v. Franklin City CA. No. 7111-N, E. D. Va., filed November 29, 1968.

Brown v. County School Board of Frederick County, 321 F. 2d 494 (4th Cir. 1963), 346 F. 2d 22 (4th Cir. 1965), 245 F. Supp. 549 (W. D. Va. 1965).

Franklin v. County School Board of Giles County, 242 F. Supp. 371 (W. D. Va. 1965), 360 F. 2d 325 (4th Cir. 1966).

Wright v. County School Board of Greenville County, 252 F. Supp. 378 (E. D. Va. 1966); 309 F. Supp. 671 (E. D. Va. 1970).

Betts v. County School Board of Halifax County, 269 F. Supp. 593 (W. D. Va. 1967).

U. S. v. Nansemond County School Board, 351 F. Supp. 196 (E. D. Va. 1972) reversed 492 F. 2d 919 (1974).

Green v. County School of Board of New Kent County, 391 U. S. 430 (1968) Landmark case upholding HEW guidelines that "freedom of choice" was not an adequate remedy for de facto segregation because it was not effective.

Thompson v. School Board of the City of Newport News, 363 F. Supp. 458 (E. D. Va. 1973), 498 F. 2d 195 (4th Cir. 1974) affirmed the defendant's plan. Neighborhood schools that leave some segregation were held to be all right, if there is no practicable integrative alternative.

Brewer v. School Board of the City of Norfolk, 397 F. 2d 37 (4th Cir. en banc 1968), 456 F. 2d 943 (4th Cir. 1972) contains dictum that it is illegal to superimpose school assignments on residential patterns that are the result of discrimination by public or private action.

U. S. v. Northampton County School Board, CA. No. 49-70 N, E. D. Va. filed September 20, 1970.

School Board of the City of Portsmouth, Virginia v. HEW, CA. No. 170-73-N, E. D. Va., filed May, 1973, U. S. the defendant.

Bell v. School Board of Powhatan County, 321 F. 2d 494 (4th Cir. 1963).

Davis v. County School Board of Prince Edward County, 347 U. S. 483 (1954) companion case to Brown v. Board of Education; 149 F. Supp. 431 (E. D. Va. 1957).

Bradley v. School Board of the City of Richmond, 338 F. Supp. 67 (E. D. Va. 1972). Judge Merhige ordered a metropolitan remedy involving the city of Richmond and suburban Henrico and Chesterfield counties. Reversed 462 F. 2d 1058 (4th Cir. en banc 1972), affirmed by an equally divided Supreme Court 412 U. S. 92 (1973).

Marsh v. County School Board of Roanoke County 305 F. 2d 94 (4th Cir. 1962).

U. S. v. School Board of Southampton, CA. No. 71-33-N, E. D. Va. filed December 13, 1968.

Nesbit v. Statesville City Board of Education, 418 F. 2d 1040 (4th Cir. 1969).

Pettaway v. County School Board of Surrey County, 230 F. Supp. 480 (E. D. Va. 1964); 339 F. 2d 486 (4th Cir. 1964).

Virginia Beach. Suit by private plaintiff.

WASHINGTON

Mount Adams School District No. 209 (White Swan). OCR/HEW action begun 1974. Notice of intention to initiate formal enforcement action, December 21, 1976. Discrimination in special education, recruitment and hiring of teachers. Resolved. Will be monitored.

Seattle. OCR/HEW notice of intention to initiate formal enforcement proceedings, June 11, 1976. State court litigation. Action to prevent busing failed: 492 P. 2d 536 (Wash. 1972), 495 P. 2d 657 (Wash. 1972), aff'd en banc, April 6, 1972. NAACP complaint filed with OCR/HEW May 13, 1977. NAACP and ACLU also contemplating law suits. Magnet program, which the Urban League says is not desegregation, to begin Fall, 1977, in 32 schools.

WISCONSIN

Amos v. Board of School Directors of Milwaukee, 408 F. Supp. 765 (E. D. Wis. 1976) affirmed sub nom. Armstrong v. Brennan, 541 F. 2d 1130 (7th Cir. 1976). The district court found that the Milwaukee School Board knowingly operated a segregated school system. In affirming, the court of appeals emphasized the pattern of actions from which one can infer deliberate segregative intent. The Board exacerbated racial imbalance by discriminatory selection of school building sites, additions, use of substandard classes, gerrymandering, busing black classes in tact to white schools where they were kept separate. The Court appointed a Special Master, John Gronouski. On May 24, 1976, he submitted an interim plan, approved by a minority of the School Board, many citizen groups, the superintendent, staff, including the Milwaukee Teachers Education Association. A magnet system was set up. For students, 10% deviation was permitted in each school from the district's black enrollment, thus 25-45%. For teachers, 5% deviation, thus 11-21%. The plan was to be implemented in stages. Remedy imposed, subnom. Armstrong v. O'Connell, 427 F. Supp. 1377 (E. D. Wis. 1977). This remedy was not before the Supreme Court when it remanded the case in light of Arlington Heights and the Dayton decision, U. S. , 97 S. Ct. 555 (1977). However, the district court postponed implementation of the final one-third of the plan until September, 1978.

Racine. OCR/HEW action begun 1969. Successful plan adopted with two-way busing. A suit to block busing ordered by the school board was dismissed October 11, 1975.

Shawano. OCR/HEW action begun 1969. Plan adopted 1973.